Congressional Record

PROCEEDINGS AND DEBATES OF THE SIXTY-EIGHTH CONGRESS
SECOND SESSION

SENATE

MONDAY, *February 9, 1925*

(*Legislative day of Tuesday, February 3, 1925*)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which is Senate bill No. 33.

Mr. CURTIS. Mr. President, the Senate having taken a recess without a quorum, is it not necessary first to call for a quorum?

The PRESIDENT pro tempore. The Secretary will call the roll to ascertain the presence of a quorum.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	Keyes	Reed, Pa.
Ball	Fernald	King	Robinson
Bayard	Ferris	Ladd	Sheppard
Bingham	Fess	McKellar	Shields
Borah	Fletcher	McKinley	Shipstead
Brookhart	Frazier	McLean	Simmons
Broussard	George	McNary	Smith
Bruce	Glass	Mayfield	Smoot
Bursum	Gooding	Means	Spencer
Butler	Greene	Metcalf	Stanfield
Cameron	Hale	Moses	Sterling
Capper	Harreld	Neely	Swanson
Caraway	Harris	Norbeck	Trammell
Copeland	Harrison	Norris	Underwood
Couzens	Heflin	Oddie	Wadsworth
Cummins	Howell	Overman	Walsh, Mass.
Curtis	Johnson, Calif.	Owen	Walsh, Mont.
Dale	Johnson, Minn.	Phipps	Warren
Dial	Jones, N. Mex.	Ralston	Watson
Dill	Jones, Wash.	Ransdell	Willis
Edwards	Kendrick	Reed, Mo.	

The PRESIDENT pro tempore. Eighty-three Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the following entitled bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 12033. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes; and

H. J. Res. 325. Joint resolution extending the time during which certain domestic animals which have crossed the boundary line into foreign countries may be returned duty free.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

H. R. 466. An act to amend section 90 of the Judicial Code of the United States, approved March 3, 1911, so as to change the time of holding certain terms of the district court of Mississippi;

H. R. 4971. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

H. R. 7144. An act to relinquish to the city of Battle Creek, Mich., all right, title, and interest of the United States in two unsurveyed islands in the Kalamazoo River;

H. R. 11282. An act to authorize an increase in the limits of cost of certain naval vessels;

H. R. 11367. An act granting the consent of Congress to the county of Allegheny, in the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania; and

S. J. Res. 174. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1925, etc.

COUNT OF THE ELECTORAL VOTE

The PRESIDENT pro tempore. Pursuant to law the Chair appoints the Senator from Missouri [Mr. SPENCER] and the Senator from Utah [Mr. KING] to act as tellers at the joint session of the Houses of Congress on the 11th instant to open and count the vote for President and Vice President.

PETITIONS AND MEMORIALS

Mr. CURTIS presented the following concurrent resolution of the Legislature of Kansas, which was referred to the Committee on Commerce:

House concurrent resolution 4 and memorial petitioning the Congress of the United States to immediately provide by law and by making appropriation of ample funds for the completion of the improvement of the Missouri River as far west as Kansas City, Kans., according to plans of the Engineer Corps heretofore adopted by Congress

Whereas the improvement of the St. Lawrence River to permit ocean-going vessels to enter the Great Lakes and receive and discharge cargoes in lake ports more than 1,000 miles inland resulting in a saving on rail and ocean rates of from 5 to 10 cents per bushel on the wheat crop of the West; and

Whereas the Congress of the United States in 1910 adopted the project of improving the Missouri River, as far west as Kansas City, Kans., with a minimum depth of 6 feet at the extreme dry season of the year at a cost of $20,000,000, to be expended in 10 years, or at the rate of $2,000,000 a year; and

Whereas Congress has not carried out the policy as outlined, having failed to make appropriations in amounts sufficient to complete the improvement of the Missouri River in the 10-year period; and

Whereas it is estimated that the completion of the Missouri River to Kansas City, Kans., in addition to work already done, will only cost $13,000,000; and

Whereas the money heretofore appropriated by Congress and expended in the improvement of the Missouri River can not be effective to aid commerce because dependable and profitable navigation of the Missouri River can not be successfully established until the improvement thus started is practically completed; and

Whereas dependable navigation established on the Missouri River, completely improved according to plans of the United States Engineer Corps heretofore adopted by Congress, and such improvement extended north would give the people of this State three ports on the Missouri River in Kansas at railway centers and crossing points; would enable the wheat growers of Kansas, Nebraska, Missouri, and other shippers in the Missouri Valley to save more annually than the $13,000,000 it would cost to complete the improvement now already well under way: Therefore be it

Resolved by the house of representatives (the senate concurring therein), That we favor and urge the early improvement of the St. Lawrence River to permit ocean-going vessels to enter the Great Lakes and that we do most respectfully petition the Congress of the United States to make provision by law and by proper appropriation for the improvement of the Missouri River within three years, by placing it under the continuing-contract system, in accordance with plans heretofore adopted by Congress for the improvement of the Missouri River to a depth of 6 feet as far west as Kansas City, Kans.,

and that such improvements be extended north so that Leavenworth, Atchison, and other ports in Kansas on the Missouri River may be made available to the shippers of Kansas; and

Whereas that the legislatures of Nebraska, Iowa, and Missouri are hereby respectively requested to join in this petition to Congress in such a manner as they deem appropriate; and

Resolved, That the secretary of state be, and is hereby, directed to transmit copies of this resolution to the Senate and House of Representatives of the United States and to the several Members of said bodies representing this State therein, and to the President and to the President's agricultural committee; also to transmit copies hereof to the legislatures of the States here named.

I hereby cerify that the above concurrent resolution originated in the house, and passed that body January 21, 1925.

CLIFFORD R. HOPE,
Speaker of the House.
ORA H. HATFIELD,
Chief Clerk of the House.

Passed the senate January 30, 1925.

D. A. N. CHASE,
President of the Senate.
ARTHUR S. MCNAY,
Secretary of the Senate.

Approved February 6, 1925.

BEN S. PAULEN,
Governor.

Mr. LADD presented resolutions adopted by the Kiwanis Club of New Rockford, N. Dak., favoring a 50 per cent increase in the tariff duty on clover seed, as permitted by statute, etc., which were referred to the Committee on Finance.

Mr. JONES of Washington presented the petition of the "Gleaners," a Sunday school class of young ladies of the Ninth Street Christian Church NE., Washington, D. C., praying for the passage of legislation to prohibit dancing on the Sabbath day, which was referred to the Committee on the District of Columbia.

Mr. FRAZIER presented the memorial of C. W. Englund and 17 other citizens of Belfield, N. Dak., remonstrating against the passage of the so-called compulsory Sunday bill for the District, which was referred to the Committee on the District of Columbia.

Mr. DILL presented memorials numerously signed by sundry citizens of the State of Washington, remonstrating against the passage of the so-called compulsory Sunday bill for the District, which were referred to the Committee on the District of Columbia.

Mr. FERNALD presented a memorial of sundry citizens of the town of Norridgewock, in the State of Maine, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which was referred to the Committee on the District of Columbia.

Mr. CAPPER presented a petition numerously signed by sundry citizens of Miami County, in the State of Kansas, praying for the passage of legislation to create a department of education, which was referred to the Committee on Education and Labor.

He also presented a concurrent resolution adopted by the Legislature of the State of Kansas, favoring the early improvement of the St. Lawrence River so as to permit ocean-going vessels to enter the Great Lakes, and also the making of adequate appropriation for the improvement of the Missouri River, etc., which was referred to the Committee on Commerce. (See duplicate of resolution printed in to-day's RECORD when presented by Mr. CURTIS.)

Mr. KENDRICK presented a petition numerously signed by sundry women of Riverton, Wyo., praying for action relative to the participation of the United States in the World Court, which was referred to the Committee on Foreign Relations.

Mr. BROUSSARD presented a memorial numerously signed by sundry citizens in the State of Louisiana, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on Naval Affairs, to which was referred the bill (H. R. 5143) for the relief of First Lieut. John I. Conroy reported it without amendment and submitted a report (No. 1051) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (H. R. 5722) authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes, reported it with an amendment and submitted a report (No. 1052) thereon.

He also, from the same committee, to which was referred the bill (S. 2294) to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, reported it with amendments and submitted a report (No. 1053) thereon.

Mr. WARREN. From the Committee on Appropriations I report back favorably with amendments House bill 11505, making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1926, and for other purposes, and I submit a report (No. 1054) thereon. I give notice that I shall ask the Senate to take up the bill probably on to-morrow.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. CAPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 8267) for the purchase of land adjoining Fort Bliss, Tex., reported it without amendment and submitted a report (No. 1055) thereon.

Mr. SHIPSTEAD, from the Committee on Foreign Relations, submitted a report (No. 1056) to accompany the bill (S. 4107) to authorize the President in certain cases to modify visé fees, heretofore reported by him from that committee.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 4087) to authorize the construction of a bridge across the Sabine River at or near Orange, Tex., reported it with amendments and submitted a report (No. 1057) thereon.

Mr. WALSH of Massachusetts, from the Committee on Military Affairs, to which was referred the bill (S. 2888) for the relief of James H. Kelly, reported it without amendment and submitted a report (No. 1058) thereon.

He also, from the same committee, to which was referred the bill (S. 3590) for the relief of Willis B. Cross, reported adversely thereon.

Mr. GEORGE, from the Committee on Military Affairs, to which was referred the bill (S. 3572) relating to the use of the roads leading from the bridges across the Potomac River to Arlington National Cemetery and to Fort Myer, Va., reported it without amendment and submitted a report (No. 1059) thereon.

Mr. WILLIS, from the Committee on Foreign Relations, to which was referred the bill (S. 3486) to authorize the Secretary of State to enlarge the site and erect buildings thereon for the use of the diplomatic and consular establishments of the United States in Tokyo, Japan, reported it without amendment and submitted a report (No. 1060) thereon.

Mr. REED of Missouri, from the Committee on the Judiciary, to which was referred the bill (H. R. 2716) to amend paragraph 20 of section 24 of the Judicial Code as amended by act of November 23, 1921, entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes," reported it without amendment.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LADD:

A bill (S. 4254) for the relief of Ishmael J. Barnes; to the Committee on Public Lands and Surveys.

By Mr. WADSWORTH:

A bill (S. 4255) for the relief of Hedwig Kellogg (with accompanying papers); to the Committee on Claims.

By Mr. HALE:

A bill (S. 4256) granting an increase of pension to Carrie E. Hewett (with accompanying papers); and

A bill (S. 4257) granting an increase of pension to Adelaide C. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. BUTLER:

A bill (S. 4258) granting an increase of pension to Clara M. Megroth (with accompanying papers); to the Committee on Pensions.

By Mr. HARRELD (by request):

A bill (S. 4259) for the relief of the Choctaw and Chickasaw Tribes of Indians of Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. JONES of Washington:

A bill (S. 4260) to provide for the relief of certain Treasury Department disbursing officers; to the Committee on Commerce.

By Mr. JOHNSON of California (by request):

A bill (S. 4261) to provide for the diversion of water for municipal and domestic usage, and for other purposes incident

thereto, from the Colorado River, State of California; to the Committee on Irrigation and Reclamation.

By Mr. WHEELER:

A bill (S. 4262) granting a pension to Thomas Bainbridge; to the Committee on Pensions.

By Mr. TRAMMELL:

A bill (S. 4263) granting to the town of Palm Beach, in the State of Florida, certain public lands of the United States of America for the use and benefit of said town; to Committee on Public Lands and Surveys.

AMENDMENT TO RIVERS AND HARBORS BILL

Mr. LADD submitted an amendment intended to be proposed by him to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

ORIGIN AND CAUSES OF THE WORLD WAR

Mr. OWEN submitted the following resolution (S. Res. 332), which was referred to the Committee on Foreign Relations:

Resolved, That the Legislative Reference Service of the Congressional Library shall cause to be prepared for the Senate an authoritative and impartial abstract and index of all authentic important evidence, heretofore made available in printed form, or otherwise readily accessible, bearing on the origin and causes of the World War, omitting all inconsequential matter. The abstracts shall be submitted to the Committee on Foreign Relations not later than February 1, 1926, and shall be printed for the information of the Senate.

MARGARET W. GILFRY

Mr. McNARY submitted the following resolution (S. Res. 334), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay out of the contingent fund of the Senate to Margaret W. Gilfry, widow of Henry H. Gilfry, late a clerk in the office of the Secretary of the Senate, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

PRESIDENTIAL APPROVALS

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that February 7, 1925, the President approved and signed the following acts:

S. 2232. An act to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service"; and

S. 2975. An act validating certain applications for and entries of public lands, and for other purposes.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by title and referred as indicated below:

H. R. 12033. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes; to the Committee on Appropriations.

H. J. Res. 325. Joint resolution extending the time during which certain domestic animals which have crossed the boundary line into foreign countries may be returned duty free; to the Committee on Finance.

AMERICAN TOBACCO CO. AND GENERAL ELECTRIC CO.

Mr. NORRIS. Mr. President, I send to the desk an amendment to the pending amendment to the resolution now being considered by the Senate, Senate Resolution 329, directing the Federal Trade Commission to investigate the conduct of the American Tobacco Co. and the Imperial Tobacco Co. in their dealings with tobacco growers' cooperative marketing associations. I ask that the amendment be read.

Mr. BURSUM. Mr. President, I ask for the regular order.

Mr. NORRIS. This is the regular order that I am pursuing.

The PRESIDENT pro tempore. The Chair is of the opinion that with the development of a quorum this morning the unfinished business is properly laid before the Senate.

Mr. NORRIS. I make the point that on Saturday, before the recess was taken, we took up by unanimous consent Senate Resolution 329, to investigate the so-called Tobacco Trust, and that when that resolution was before the Senate I offered an amendment to it. During the pendency of that amendment the Senate took a recess until to-day at 12 o'clock.

The PRESIDENT pro tempore. The Chair understands the parliamentary situation and is in some doubt in regard to the course to be pursued; but because of the fact that when the Senate took a recess on Saturday no quorum was present, is inclined to the opinion that when we reassembled this morning the unfinished business came properly before the Senate.

Mr. NORRIS. The Chair must not forget that prior to taking the recess, during the course of the work of the Senate on last Saturday, it was agreed by unanimous consent that when the business of the day was finished the Senate would take a recess until 12 o'clock to-day, and after that agreement was made a unanimous-consent agreement was entered into to take up Senate Resolution 329. It was accordingly taken up and I offered an amendment to it. While that amendment was pending the Senate carried out its unanimous-consent agreement that it had made previously in the day. It seems to me, therefore, that we are in the legislative day not of to-day but of last Saturday, and that therefore we should commence to-day where we left off last Saturday, and that the pending question then should be the pending question now.

Mr. CURTIS. Mr. President, I think the Senator from Nebraska is right in his contention, and that the only way to bring back the unfinished business is by a demand for the regular order. I hope, however, that the Senator's amendment may be read and that we may get a vote upon the amendment without the regular order being demanded, if that can be done.

Mr. NORRIS. But my amendment is the regular order.

Mr. CURTIS. I do not agree with the Senator on that point. The unfinished business having been temporarily laid aside, I think it can be brought before the Senate at any time upon a demand for the regular order.

The PRESIDENT pro tempore. The Chair desires to be right about the matter. Does the Senator from Nebraska hold that a bill taken up by unanimous consent displaces the unfinished business?

Mr. NORRIS. No; not necessarily, but we are still in the legislative day of Saturday. If we had taken an adjournment, there would be a different condition confronting the Senate. Legislatively speaking, this is not Monday; it is last Saturday.

Mr. SWANSON. Mr. President, since I have been here the universal practice has been that when we take a recess we resume exactly where we left off at the time of taking the recess. That is the purpose of taking a recess. Of course, if we take an adjournment, then we have rules which provide how the legislative day shall commence, and at 2 o'clock we have a different program under the rules; but on Saturday we took a recess. Having taken a recess, we resume business upon the expiration of the recess precisely where we left off. That has been the rule which has prevailed here, and it seems to me to be right. The object of taking a recess is to resume the consideration of what was before the Senate when the recess was taken.

The PRESIDENT pro tempore. When does the Senator from Virginia think the unfinished business should be laid before the Senate?

Mr. SWANSON. It is to remain temporarily laid aside until some one calls it up. There was a unanimous-consent agreement that the unfinished business should be temporarily laid aside, and it was laid aside temporarily. Then Senate Resolution 329 came before the Senate. The resolution comes automatically before the Senate until the unfinished business shall be taken up. It seems to me that the Senator from Kansas [Mr. CURTIS] is clearly correct.

The PRESIDENT pro tempore. Does the Senator believe that the resolution is before the Senate until some Senator asks that the unfinished business be laid before the Senate?

Mr. SWANSON. Yes; I would assume so, until the regular order is demanded.

The PRESIDENT pro tempore. The Chair is inclined to agree with the Senator from Virginia, and the clerk will read the amendment proposed by the Senator from Nebraska to Senate Resolution 329, submitted by the Senator from Kentucky [Mr. ERNST].

Mr. WATSON. Mr. President, may we be informed as to what was the ruling of the Chair?

The PRESIDENT pro tempore. The Chair was inclined to believe that upon the adjournment taken on Saturday for want of a quorum, on reassembling this morning and the development of a quorum the unfinished business came automatically before the Senate, but the Senator from Kansas [Mr. CURTIS] seems to disagree with that position, the Senator from Virginia [Mr. SWANSON] disagrees with it, and the Chair will change his ruling and hold——

Mr. CURTIS. Just a second. The Senate did not adjourn on Saturday, but took a recess. Had the Senate adjourned, then, of course, the unfinished business would have come up at the proper time; but we took a recess, which left us just in the status in which we were when we took the recess.

The PRESIDENT pro tempore. That is what the Chair attempted to rule, but the Senator from Kansas did not agree with him.

Mr. WATSON. May I ask the Senator from Kansas a question?

Mr. CURTIS. Certainly.

Mr. WATSON. Does not the Senator from Kansas believe that a demand for the regular order brings the unfinished business before the Senate?

Mr. CURTIS. I understand that that is in accordance with the rule, and there are decisions to that effect.

Mr. WATSON. Is that the way the Chair is deciding?

The PRESIDENT pro tempore. The Chair has now decided that the unfinished business does not come automatically before the Senate, but that any Senator may ask that the unfinished business be laid before the Senate and it will be laid before the Senate.

Mr. WATSON. Which request I now make.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Utah will state his parliamentary inquiry.

Mr. KING. If during the proceedings, when the unfinished business is before the Senate and is not disposed of, unanimous consent is sought and granted to take up some other measure and that measure is taken up, does not that measure then become the unfinished business to all intents and purposes, so that if a recess shall occur before the disposition of the matter which was taken up by unanimous consent that measure automatically, when a quorum is found to be present, is laid before the Senate as the unfinished business?

The PRESIDENT pro tempore. The Chair understands that the unbroken precedent is to the contrary; that to take up a measure after the unfinished business shall have been temporarily laid aside by unanimous consent does not give such measure so taken up the status of unfinished business, but leaves the situation so that, as the Chair originally believed, upon a recess or adjournment the unfinished business would be taken up either at 12 o'clock or at 2 o'clock, as the case might be.

The Chair now, however, has ruled that the unfinished business, if it be temporarily laid aside, may be brought up at the suggestion of any Senator.

Mr. WATSON. Mr. President, I demand the regular order.

The PRESIDENT pro tempore. The regular order is the unfinished business, which the Chair now lays before the Senate.

The READING CLERK. A bill (S. 33) making eligible for retirement under certain conditions officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War.

Mr. NORRIS. Mr. President, I move that the Senate proceed to the consideration of Senate Resolution 329.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Nebraska that the Senate proceed to the consideration of Senate Resolution 329.

Mr. BURSUM. I call for the yeas and nays on the motion, Mr. President.

Mr. NORRIS. Before the motion is put I desire to say a few words.

Mr. CURTIS. I make the point of order that the motion is not debatable. By Rule X it is provided—

> And all motions to change such order—
>
> That is a special order—
>
> or to proceed to the consideration of other business shall be decided without debate.

Mr. NORRIS. We debated such questions for days. If the motion had been made during the morning hour, the rule quoted by the Senator from Kansas would be applicable, but this is not the morning hour; we have had a recess, and I think the motion is debatable.

The PRESIDENT pro tempore. The Chair thinks the motion is debatable.

Mr. NORRIS. Mr. President, I wish now to call the attention of the Senate to the parliamentary situation.

In the first place, let me say that if the resolution for which I move consideration shall be taken up I shall then offer as an amendment to it, as I did on last Saturday, the resolution previously reported by the Committee on Interstate Commerce, which is known as Senate Resolution 286. That resolution was introduced by me on the 29th day of December, 1924. It was introduced during the Muscle Shoals debate, during which it was developed by a discussion that lasted for days that there was an abundance of evidence to show that there existed a general monopoly or trust not only in the development of electricity but in its distribution and manufacture and the distribution of all kinds of electrical appliances from the big water wheel that costs hundreds of thousands of dollars to the electric lamp that costs but half a dollar.

It has been the unbroken custom of the Senate when such a showing has been made to adopt, even without debate, a resolution asking for an investigation of the conditions that have been thus developed. When I presented that resolution I asked unanimous consent for its immediate consideration. Under the custom of the Senate, regardless of what Senators thought about its merits, it would have been adopted, but objection was made. It came up from day to day, but objection was continually made, and it was finally moved to refer the resolution to the Interstate Commerce Committee. It was referred to that committee on the 20th day of January, 1925. The Interstate Commerce Committee considered it for about two weeks, having hearings on it and debating it at various times, and on the 3d of February the committee amended that resolution and reported it back to the Senate unanimously. The amendment was to strike out the entire resolution and insert a substitute.

I accepted the result of the deliberations of the committee; I accepted the report which they submitted, and asked unanimous consent for the consideration of the resolution as thus proposed to be amended by the committee. That request was objected to. Several times since then I have made the same request, but it has always been objected to.

Last Saturday a resolution introduced by the Senator from Kentucky [Mr. ERNST] was taken up by unanimous consent. It proposed an investigation of the so-called Tobacco Trust. That resolution had not been referred to a committee, but was taken up, as the Senate usually takes up that kind of resolutions, and it was about to be passed. It seems that there is a difference between a proposal to investigate the Tobacco Trust and one to investigate the Electric Light Trust, Senators in one case insisting that there should be all the delay and all the deliberation that could possibly be given to a matter by referring it to a committee, while in the other case being willing to follow the usual custom of the Senate and consider the resolution practically immediately.

Personally I had no objection to that action being taken on the resolution of the Senator from Kentucky; I thought that was the proper thing to do; I am in favor of the resolution, and I think the showing made by the Senator from Kentucky affords ample ground for such an investigation as he proposes, but it is not within a mile of the showing that has been made in the Senate for the investigation of the Electric Light Trust. Yet the Senate was willing that there should be an investigation of the Tobacco Trust without referring the resolution providing for such investigation to a committee. Either Senators must have a tender spot in their hearts for the Electric Light Trust or they are making a difference in the treatment they accord to the requests which may be made by Senators. If the Senator from Kentucky can secure unanimous consent of the Senate for the adoption of a resolution to investigate the trust known as the Tobacco Trust, even without the report of a committee, then there must be something superior in his make-up or something inferior in mine when I can not get the Senate to consider a resolution to investigate the Electric Light Trust under a resolution which has been referred to a committee and unanimously and favorably reported back to the Senate. I want Senators to think of the difference in the attitude of the Senate that is being shown toward these two resolutions.

On Saturday when the resolution of the Senator from Kentucky came up by unanimous consent it was, of course, subject to amendment.

Mr. NEELY. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from West Virginia?

Mr. NORRIS. Yes

Mr. NEELY. Does not the Senator think that the difference in the attitude on the part of the Senate to which he has just referred might be accounted for by the fact that the Power Trust will flourish where tobacco will not grow?

Mr. NORRIS. Mr. President, to my mind there is this difference, so far as the two trusts are concerned: The importance of the Tobacco Trust as compared with the Electric Light Trust is infinitesimally small. The Electric Light Trust, whose operations affect every section of the country and practically every home in the country, is a vastly different organization from the Tobacco Trust, in which only the growers of tobacco in a comparatively small area of the country are directly interested. I say that not in criticism of the resolution of the Senator from Kentucky to investigate the Tobacco Trust, but I merely want to call the attention of the Senate to the greater importance of the other organization, which affects, with practically no exception, every citizen of the United States.

On Saturday when the resolution of the Senator from Kentucky was taken up by unanimous consent I offered as an amendment the resolution to investigate the Electric Light Trust, which had been reported by the Committee on Interstate Commerce. That question was pending when the Senate took a recess. Senators were willing to lay aside the unfinished business for the purpose of taking up the resolution of the Senator from Kentucky, but the moment the other resolution was offered as an amendment their sensibilities were at once affected, and an effort is made this morning—I myself believe wrongfully, although I impute no wrongful intention to anybody—to take a technical advantage of a parliamentary situation. To my mind, the ruling of the Chair is wrong. We took a recess on Saturday, and we ought to have commenced this morning where we left off on Saturday.

Now, Mr. President, the Senate, in my opinion, can not escape a vote on this question. I do not want to delay the Senate. Of course, as the Senator from Kansas says, we ought to have a vote, and that is all I want. I do not care to take the time of the Senate up in debating the question.

Mr. SMITH. Mr. President——

Mr. NORRIS. I yield to the Senator from South Carolina.

Mr. SMITH. If the Senator will allow me, I do not care to speak on this question, except to clarify the situation. When his resolution was submitted and went to the Committee on Interstate Commerce, it was the opinion of the majority of the committee that the wording of the resolution, perhaps, was unfortunate. The intent and purpose of the resolution were not described in such language, in the opinion of the committee, as to go directly to the thing sought to be reached. It was rather difficult to arrive at the exact language that would meet the approval of the entire committee; but it was not the intent or the purpose of the committee, in the delay that occurred, to avoid an investigation of the General Electric Co., but to have the language such that it would bring about that very thing.

In other words, we wanted to start with the cancer, and, if the roots of it reached out, then the matter would be in the hands of the Federal Trade Commission. We did not want to start with the auxiliaries and work back, because some of them might be connected with it and some might not; but when we had finally reached the form in which the resolution is now presented to the Senate the vote of the committee was unanimous, and I was a little surprised when objection was made to its consideration. I presume those who objected have good and sufficient reason for doing so; but I want to say in this connection that the form in which the Senator's resolution now appears is almost identical with the one introduced by the Senator from Kentucky, and I think both of them should be voted on now, because both are worded so as to come directly to the object for which both were intended.

Mr. CURTIS. Mr. President——

Mr. NORRIS. I yield to the Senator from Kansas.

Mr. CURTIS. I desire to ask the Senator if we can have a vote upon this question at once, and let the Senator offer the amendment which he has in mind. He has a right to offer an amendment to strike out the objectionable words about stockholders. Can we not have a vote now?

Mr. NORRIS. I am perfectly willing to have a vote. That is all I have been trying to get all the time for the last six weeks.

Mr. WATSON. Mr. President, if I can have an opportunity of saying what I want to say, and of making the motion I want to make, I shall withdraw my demand, as far as I am concerned, for the regular order.

Mr. NORRIS. The Senator knows that he has a perfect right to offer any amendment he desires to offer.

Mr. WATSON. Certainly; but I am just waiting for the opportunity.

Mr. NORRIS. The Senator could have done it and had it all over by this time, if he had not objected.

Before I conclude, however, let me say that several weeks ago, when I was discussing some phases of this question, I asked unanimous consent to have printed in the RECORD a map which I exhibited to the Senate, and I obtained unanimous consent to do it. I found, however, that it was necessary that considerable work be done to cut down the map to a size which would not be greater than a page of the CONGRESSIONAL RECORD, and I could not have that done soon enough to attach it to my remarks at that time. Therefore I will attach the map to my remarks at this time.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

[The map referred to appears on page 3284.]

Mr. WATSON obtained the floor.

Mr. BURSUM. Mr. President, before the Senator proceeds I should like to inquire whether I understand this matter correctly. The Senator from Indiana has withdrawn his demand for the regular order?

Mr. WATSON. I have; yes.

Mr. BURSUM. And the Senator from Nebraska has withdrawn his motion to take up this other resolution?

Mr. NORRIS. If we can take it up by unanimous consent, of course I will withdraw my motion.

Mr. BURSUM. Under that understanding the unfinished business will not be displaced and is not displaced, but is temporarily laid aside?

Mr. WATSON. That is all.

Mr. President, when the resolution was first introduced by the Senator from Nebraska it was so sweeping and all-embracing that there was a very well-defined movement among Senators to have it referred to a committee because of its breadth and scope. As we understood the resolution, it provided for the investigation of all public utilities everywhere and of all banking establishments that might be in any way financially connected with any public utility, society, or organization, as well as individual stockholders. It was so broad that Senators generally believed that it was not feasible or practicable, and therefore a motion prevailed to refer it to the Interstate Commerce Committee.

I violate no secrets of the committee when I say that we considered the resolution fully, that we had a number of hearings in regard to it, and that it was unanimously voted not to report the resolution out in its original form. A subcommittee consisting of the Senator from Iowa [Mr. CUMMINS], the Senator from Nebraska [Mr. HOWELL], and the Senator from Michigan [Mr. COUZENS] formulated the present resolution, and it was adopted by the committee. There were no votes against it. Personally I did not vote for it because of a clause in it that I want to move to strike out; and that is the history of this resolution.

The Senator from Nebraska is wrong in saying that somebody is seeking to discriminate against him or in favor of the Senator from Kentucky. The resolution of the Senator from Kentucky, as we are all aware, was brought up very late on Saturday afternoon, when there were only a few Members on the floor, and at once the Senator from Nebraska offered his resolution as an amendment thereto, which he had a perfect right to do. Then some Senator demanded a quorum, and the presence of a quorum was not disclosed by the roll call, and the Senate took a recess. That is the status of the matter. There was no discrimination against anybody, as I think the Senator from Nebraska well knows.

My objection to the present resolution is embodied in these words:

> Or the stockholders or other security holders thereof.

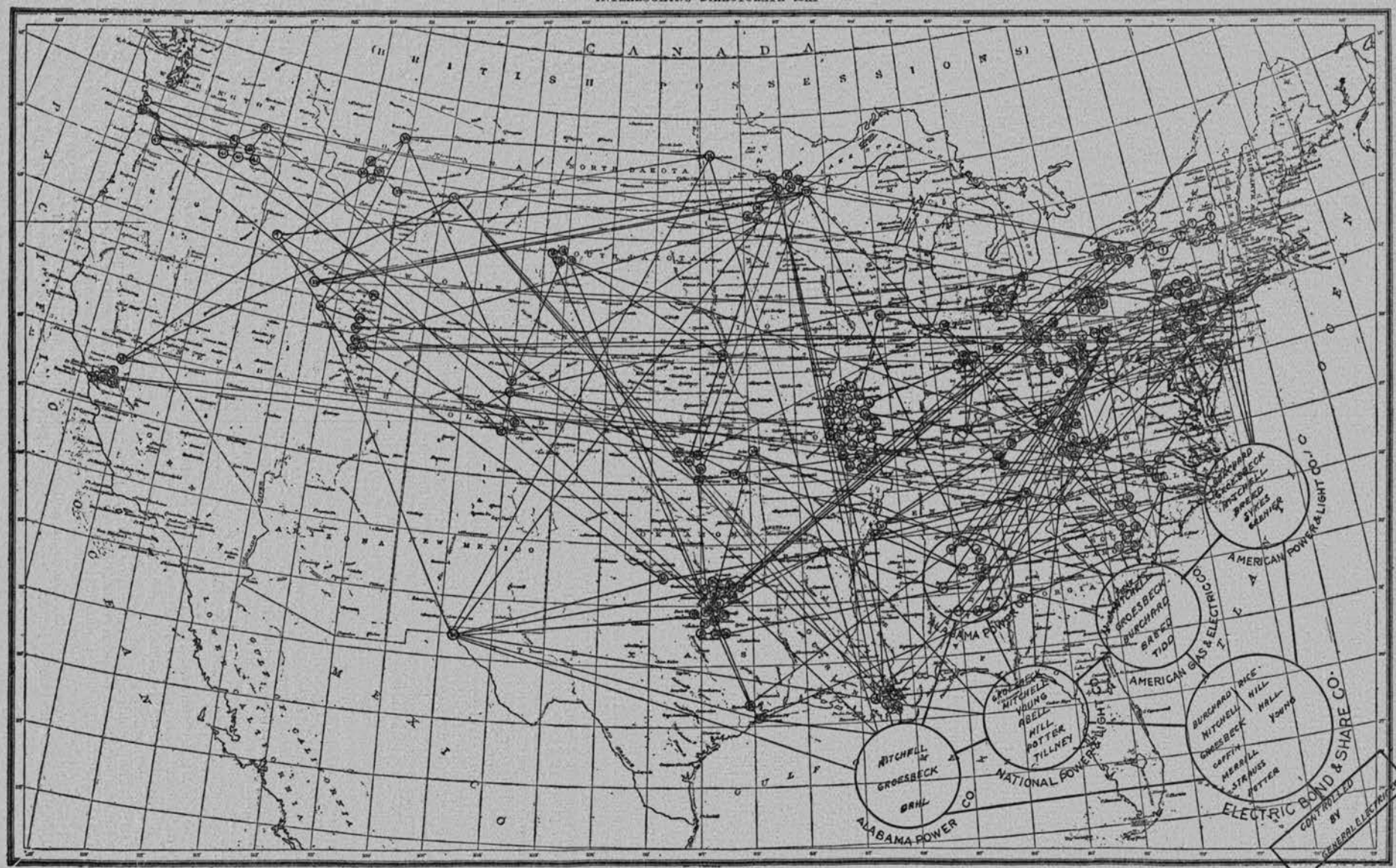
The language of the entire paragraph being—

> *Resolved*, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the Senate to what extent the said General Electric Co. or the stockholders or other security holders thereof, either directly or through subsidiary companies, stock ownership, or through other means or instrumentalities, monopolize or control the production, generation, or transmission of electric energy or power, whether produced by steam, gas, or water power; and to report to the Senate the manner in which the said General Electric Co. has acquired and maintained such monopoly or exercises such control in restraint of trade or commerce and in violation of law.

In other words, when the resolution went to the committee and we voted not to report it in its original form, it was because of its scope and its breadth; and yet the resolution comes back with this clause in it, which leaves it practically as it was before; that is to say, under this authorization the Federal Trade Commission could send throughout the whole country and bring in, if it saw fit to do so, all the stockholders of any electric company or any power company for the pur-

Companies directly or indirectly engaged in the furnishing of electric public utility service which have certain principal officers and/or directors who are also principal officers and/or directors of companies which the General Electric Co. controls, is affiliated with, or manages

INTERLOCKING DIRECTORATE MAP



pose of finding out how much stock they owned in each particular company, and what they paid for it, and everything in connection with the matter, which is not necessary to the substantial purpose of this investigation.

Aside from those words full authority to investigate is conferred by the resolution, for it provides:

> That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the Senate to what extent the said General Electric Co., either directly or through subsidiary companies, stock ownership, or through other means or instrumentalities, monopolize or control the production, generation, or transmission of electric energy or power.

That covers the whole subject, and is all that is necessary, as I understand, to carry out the original purpose of my friend from Nebraska.

Senators, the real fact about the matter is that an investigation of this kind is disturbing to this particular branch of business, as an investigation of any kind at any time is disturbing to the particular branch of business investigated. Why should an individual stockholder, or any man not a stockholder, who wants to buy a share of stock in any one of these companies, feel that by making the purchase he is buying only an investigation? I am told that there are some 32,000 or 33,000 of these stockholders; and yet this resolution confers upon the Federal Trade Commission power to investigate every one of those men, to find out how much stock he owns, and what he paid for it. I undertake to say that that sort of a disturbing proposition is not necessary to the final purpose which the Senator from Nebraska must have had in mind when he introduced his resolution. It will carry out all the purposes and fulfill all the objects that any investigation ought to carry out or fulfill if we find out whether or not the General Electric Co., specifically named, either has a monopoly or is intending to create a monopoly or trying to create a monopoly by any of its purchases or exactions in the United States. That, I assume, is what the Senator is trying to do. Therefore, what I want to do is to move to strike out the words "or the stockholders or other security holders thereof." If those words are stricken out, so far as I am concerned the measure can pass without any further opposition.

Mr. NORRIS. Mr. President, of course the motion is not now before the Senate; but since the Senator from Indiana has discussed the question I will discuss it, because it will come before the Senate.

Let me say, in a preliminary way, that nobody knows better than the Senator from Indiana that it would have been perfectly in order for him to offer his motion to amend. There was not anything in the unanimous-consent request I made that shut off any amendment or any debate. There was no intention of doing it. Every Senator knew that when the resolution came before the Senate, either by motion or by unanimous consent, it would be subject to all the amendments that any Senator could offer.

Mr. WATSON. Mr. President, will the Senator permit an interruption?

Mr. NORRIS. Yes.

Mr. WATSON. The Senator knows full well that after I objected the other day I sought him out privately and tried to induce him to agree that those words might be stricken out.

Mr. NORRIS. Yes.

Mr. WATSON. That is why I did not seek to offer the amendment on the floor. I thought we could reach a personal agreement, and that was my way of doing it if it could be done.

Mr. NORRIS. Quite a number of Senators have asked me to strike out those words. Now let me tell the Senate why I do not want to strike them out.

In the first place, the resolution which I originally introduced had in it a provision which called for an investigation as to the financial interests, how they were connected up with this trust, if there was one, and how money was used by trust companies and banks to control the electric situation and the distribution of electric power. That was stricken out by the committee. That is eliminated. The "money trust" is out of it now. While that debate was on in the Senate, while we were having the discussion here of the Muscle Shoals proposition in which these facts were brought out, the General Electric Co. had a meeting, and took all the stock of the Electric Bond & Share Co.—one of the greatest of its subsidiaries, in fact its greatest subsidiary—stock which at that time was owned by the General Electric Co. and was in the treasury of that company, and divided up every dollar of that stock among the stockholders of the General Electric Co. in proportion to the amount of stock that each stockholder owned in the General Electric Co. Therefore the committee were wise in putting these words in. If they should be eliminated, what would happen? Then the Electric Bond & Share Co. would be eliminated from this investigation. It has subsidiaries by the dozens. This monopoly is perpetrated as much through the Electric Bond & Share Co. as through the General Electric Co.

Senators will see in a moment that if the owners of stock can not be investigated, then the Electric Bond & Share Co. will escape investigation; and, as I have said, that is the largest subsidiary of the General Electric Co. The ownership is practically the same as it was before, except that technically, as a matter of law, the General Electric Co. does not own a dollar of the shares of the Electric Bond & Share Co., but the stock owners of the General Electric own every single share of the stock of the Electric Bond & Share Co., and they hold it in the proportion to their ownership of stock in the General Electric Co. It was taken out of the treasury of the General Electric Co. and given to the shareholders after the debate had gone on for several days here in the Senate. So the adoption of this amendment would eliminate more than half of the evidences of a trust or monopoly that could be investigated by the Federal Trade Commission if this resolution were passed.

Mr. WATSON. I offer my amendment.

Mr. NORRIS. The resolution is not before the Senate yet. I offer first the amendment I offered last Saturday.

The PRESIDENT pro tempore. The question is on proceeding to the consideration of the resolution.

Mr. NORRIS. It has been agreed, as I understand it, to take it up.

The PRESIDENT pro tempore. It has not been agreed to proceed with it up to this time.

Mr. NORRIS. Mr. President, I withdraw my motion with the understanding that we will proceed, as the Senator from Indiana and the Senator from New Mexico have intimated, under the unanimous consent that prevailed last Saturday.

Mr. WATSON. I withdraw the demand for the regular order.

Mr. NORRIS. With that understanding, I withdraw the motion.

The PRESIDENT pro tempore. The Senator from Nebraska withdraws his motion to proceed to the consideration of this resolution, and, as the Chair understands it, the Senator from New Mexico asks that the unfinished business be temporarily laid aside.

Mr. NORRIS. It has been laid aside. It was laid aside last Saturday.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that the Senate proceed to the consideration of this resolution. These various requests are so united with each other that the Chair puts them to the Senate as one.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. KING. My understanding is that the Chair ruled that the motion of the Senator from Nebraska was in order. That motion was that we proceed to the immediate consideration of his resolution.

The PRESIDENT pro tempore. A point was made against it being in order.

Mr. NORRIS. Did not the Chair hold that unless some one demanded the regular order we would proceed according to the unanimous-consent agreement of Saturday? The Senator from Indiana has withdrawn his request for the regular order, and hence there is nobody demanding the regular order, and we are proceeding under the unanimous-consent agreement of Saturday. The amendment which I sent to the desk should be the pending question.

The PRESIDENT pro tempore. The Chair did not understand that the Senator from Indiana had withdrawn his request for the regular order.

Mr. SMITH. The Senator from Nebraska has stated the attitude of the Senator from Indiana now, as I understand. He withdraws his demand for the regular order, and therefore we are acting under the unanimous-consent agreement of Saturday.

The PRESIDENT pro tempore. The Chair understands that now, but did not a moment ago. The Senator from Indiana asks unanimous consent to withdraw his demand for the regular order, and the Senator from Nebraska withdraws his motion to proceed to the consideration of the resolution.

Mr. KING. Mr. President, a parliamentary inquiry. Am I to understand that the two requests are coupled?

Mr. NORRIS. No. I do not understand any request to be necessary. The Senator from Indiana has simply withdrawn his demand for the regular order, and I have withdrawn my motion. Therefore we are just where the Chair said we were at the beginning; we are acting under the unanimous-consent agreement entered into on Saturday. The tobacco resolution is before the Senate; the amendment I offered last Saturday is pending, and I offer an amendment to that amendment, which ought to be the pending question when it shall be stated.

Mr. KING. That is my understanding of the parliamentary situation, and I was apprehensive that the Chair took the view that those two requests being coupled together——

The PRESIDENT pro tempore. The Senator from Nebraska has stated the understanding of the Chair, substantially, that if the unanimous-consent agreement, as I said before, shall be granted then the motion will be upon the amendment to the resolution offered by the Senator from Nebraska. Is there objection? The Chair hears none, and the Secretary will report the amendment.

The READING CLERK. The Senator from Nebraska offers to his amendment the following modification: At the end of the first resolution of the pending amendment insert the following:

The commission shall also ascertain and report what effort, if any, has been made by the said General Electric Co. or any one in its behalf or in behalf of any trade organization of which it is a member, through the expenditure of money or through the control of the avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed.

Mr. NORRIS. Mr. President, that is an amendment to my other amendment, and I want to explain it. I do not believe there can be any possible objection to it, either from the committee or from any Member of the Senate.

Mr. WATSON. Let me understand, please. Does the Senator offer this as an amendment to the resolution reported by the Interstate Commerce Committee?

Mr. NORRIS. Yes.

Mr. WATSON. Where does it come in?

Mr. NORRIS. It comes in, as the amendment shows, after the first resolution. There are two resolutions.

Mr. WATSON. It is an amendment, then, to an amendment?

Mr. NORRIS. Yes

Mr. WATSON. That may preclude me from offering my amendment.

Mr. NORRIS. No; when this is disposed of the Senator's amendment will be in order.

Mr. WATSON. I want to have that understood.

Mr. NORRIS. That is guaranteed to the Senator by the rules of the Senate and general parliamentary law, and I would be the last one in the world to try to take away from him or anybody else the right to offer any amendment he sees fit.

I was about to say that there is an abundance of evidence that the General Electric Co. and the various subsidiary companies which it controls are very active in a propaganda on the question of the ownership of public utilities by municipalities. All this asks is that the Federal Trade Commission in making this investigation shall report what the activities of the trust, if there be one, have been in that respect.

Mr. SMOOT. It also asks, does it not, for the opinion of the commission as to what effect the propaganda has had?

Mr. NORRIS. No.

Mr. SMOOT. As I gathered from the reading of the amendment, that was the effect of it. Has the Senator the amendment?

Mr. NORRIS. No; the Secretary has it. Let it be read again.

Mr. SMOOT. Let the amendment be read.

The PRESIDENT pro tempore. The Secretary will read the amendment as a whole.

The READING CLERK. The amendment offered by the Senator from Nebraska reads:

Resolved, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the Senate to what extent the said General Electric Co. or the stockholders or other security holders thereof, either directly or through subsidiary companies, stock ownership, or through other means or instrumentalities, monopolize or control the production, generation, or transmission of electric energy or power, whether produced by steam, gas, or water power, and to report to the Senate the manner in which the said General Electric Co. has acquired and maintained such monopoly or exercises such control in restraint of trade or commerce and in violation of law.

At this point the Senator from Nebraska modifies the amendment by the insertion of the following words:

The commission shall also ascertain and report what effort, if any, has been made by the said General Electric Co., or anyone in its behalf, or in behalf of any trade organization of which it is a member, through the expenditure of money or through the control of the avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed.

Then the amendment proceeds:

Resolved further, That the President of the United States be, and he is hereby, requested to direct the Secretary of the Treasury, under such rules and regulations as the Secretary of the Treasury may prescribe, to permit the said Federal Trade Commission to have access to official reports and records pertinent thereto in making such investigation.

Mr. NORRIS. Mr. President, while I offer that as an amendment, I can modify my own amendment by adding that to it, though I would not do it if there were any serious objection; but in order to shorten matters——

The PRESIDENT pro tempore. The Senator has a right to modify his amendment.

Mr. NORRIS. I offer the amendment as read by the Secretary, and then the Senator from Indiana can offer his amendment.

Mr. WATSON. I would like to ask a question.

Mr. NORRIS. Very well.

Mr. WATSON. The amendment to the amendment which the Senator now proposes was not sent to the Committee on Interstate Commerce?

Mr. NORRIS. No; it was not.

Mr. WATSON. And had no consideration there?

Mr. NORRIS. It did not.

Mr. WATSON. I can not tell, from a hasty reading, what it provides that the Senator's original amendment does not provide. Will the Senator kindly state?

Mr. NORRIS. The resolution as reported by the Committee on Interstate Commerce does not provide that any investigation shall be made as to the propaganda, if there be such propaganda, that has been carried on by the Electric Light Trust to control or influence public opinion in the matter of municipal ownership of public utilities.

Mr. ROBINSON. Mr. President, may I ask the Senator a question at that point?

Mr. NORRIS. Certainly.

Mr. ROBINSON. I observe from the reading of the amendment which the Senator has just proposed to the resolution as reported by the Committee on Interstate Commerce that it is proposed to investigate the proceedings and activities of the General Electric Co. or its subsidiaries in connection with propaganda for the purpose of influencing public opinion in the matter of municipal ownership and kindred questions. What, if any, is the objection of the Senator proposing this amendment to broadening its language so as to provide for the investigation of others who may have expended funds or carried on propaganda for the purpose of influencing public opinion with respect to the same subject?

Mr. NORRIS. I have no objection.

Mr. ROBINSON. In this connection let me say that my information is that the subject of municipal ownership, and public opinion respecting it, has been the object of widespread propaganda, both on the part of those who favor municipal ownership of public utilities and the operation of them through public agencies and also on the part of those who oppose it. I can not imagine the Senator from Nebraska desiring or insisting upon a purely one-sided investigation of this question. The whole subject ought to be gone into, so that the Congress and the country may know what influences are being exerted to influence the opinion of Congress upon that subject.

Mr. NORRIS. The object I have in this can be made perfectly plain when we take into consideration that this is a proposition to investigate the General Electric Co. and its subsidiaries, an allegation being made that it is a trust or monopoly. One of the ways of obtaining its monopoly—and I think probably the Federal Trade Commission could make this investigation, even if I had not put in that modification—is by the inauguration of propaganda as to anything that will stand in the way of the carrying out of the object of the monopoly or the trust. The only means it has of getting money is to collect it from the people who use electric appliances or who develop power and buy the machinery of the trust. It ought to be interesting to consumers of the privately owned electric systems to know how much of their own money is being spent for propaganda purposes. So it seems to me it is perfectly legitimate, and in reality a part of the plan, to investigate this particular trust.

Personally, I have no objection whatever, if Senators desire it, to an investigation, either by the Federal Trade Commission or some other body, as to propaganda in favor of municipal ownership. I would welcome that kind of an investigation.

Mr. ROBINSON. Will the Senator yield at that point?

Mr. NORRIS. I have no objection to that whatever.

Mr. ROBINSON. I make the suggestion for this reason: That beyond doubt those who oppose municipal ownership, who have seen fit to avail themselves of agencies of publicity for the dissemination of their views, will seek to justify their action upon the ground that other agencies and other influences have been at work to promote favorable opinion respecting the subject of Government ownership of public utilities. The end of that suggestion could be accomplished by adding after the words "General Electric Co." the words "or others," so they may all be investigated by the Federal Trade Commission.

Mr. NORRIS. I have no objection, and I will ask to have the words incorporated as a part of my amendment.

The PRESIDENT pro tempore. The Senator from Nebraska modifies his amendment by adding certain words, which will be stated.

The READING CLERK. After the words "General Electric Co." insert the words "or others," so as to read "in which the said General Electric Co. or others have acquired and maintained," and so forth.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment of the Senator from Nebraska as modified.

Mr. WATSON. I desire to offer an amendment, but I am not certain as to just what form the amendment is in at the present time.

The PRESIDENT pro tempore. It is a single amendment.

Mr. WATSON. Then I offer an amendment to the amendment, as follows: In lines 3 and 4, page 3, strike out the words "or the stockholders or other security holders thereof."

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Indiana to the amendment of the Senator from Nebraska.

Mr. FESS. Mr. President, I think these words ought to go out of the resolution, and I shall give my reasons for supporting the amendment to the amendment, not alone because a great number of people in my own State have communicated with me in regard to those particular words, but because of the very extensive field that the investigation under the resolution would enter if those words are retained.

I would like to have the attention of the Senate just a moment with reference to the growth of public ownership as expressed in stock ownership in various companies. I do not know of any growth that is more remarkable than that particular feature of the ownership of public utilities. For example, when the antitrust law was enacted in 1890 the wealth of the country was about $60,000,000,000 and the population of the country was about 63,000,000. To-day the population is nearly double that number, while the wealth of the country is $320,000,000,000, or five times what it was at that time.

I recall when the agitation was on for antitrust legislation that there was great concern about the growth of monopolies. It had already reached the interests of the railroads by the creation of the Interstate Commerce Commission as a remedy against monopoly. Three years afterwards, after years of discussion with reference to the control of them, we had the expression of the antitrust law which is regarded by many as a very constructive piece of legislation. Then later we had supplemental legislation known as the Clayton law. Later still we had further supplemental legislation that has taken the form of the Federal Trade Commission. When the Federal Trade Commission was originally created, having been recommended by President Taft, it was thought, because of the various legislative enactments restricting the right of business to enter upon any corporate life, that it would be well to have a governmental agency to be consulted in order to know whether the proposal would be free of the legal inhibitions placed by the antitrust legislation. Whether the Federal Trade Commission has carried out that particular viewpoint or not may, it is true, be a question of dispute. I want to give some figures in reference to the growth of corporate interests very largely since the legislation known as the Clayton bill.

The value of manufactured goods in 1890, at the time of the antitrust legislation, was about $12,000,000,000. The deposits in the banks by individuals at that time were about $4,000,000,000. All of the individual or independent manufacturers produced but $5,000,000,000 worth of products while 41,000 corporations produced over $7,000,000,000 of marketable goods. In 1890, at the time of the antitrust legislation, corporations produced about 60 per cent of the total production of the country.

That the growth of corporations under the antitrust law was tremendous is suggested by a mere recital of the facts. For example, in 1919 the individual or independent manufacturers, numbering about 140,000, and employing 600,000 laborers, produced less than $4,000,000,000 worth of commodities, while 90,000 corporations produced $55,000,000,000 and employed 8,000,000 laborers. In other words, about one-half of the number of corporations employed 12 times as many laborers and produced 14 times as much commodities as the individual or independent producers. I mention that to indicate the trend since 1890 in our modern industrialism. To-day it is safe to say that not over 10 per cent of the entire production in America is by individuals or independent concerns, which would mean that 90 per cent of all the production of the wealth of the country to-day is by organizations known as corporations or partnerships.

About the time of the agitation which led to drastic regulation of business there was a widespread fear that the growth of monopoly was so rapid that ultimately the rights of the people would be entirely denied. I myself can recall the fear that was expressed when they talked about the organization of the United States Steel Corporation, and especially in my own State when the agitation was on against the Standard Oil Co. I can recall that the remedy always announced was that after all we are the people and the people will rule.

It was that fear on the part of the people against the concentration of wealth, especially as it was noticed in the very few corporations that controlled most of the transportation, that led to the belief that we were not in danger because the people, through legislation, would find a remedy. That evidently is the basis for much of the investigation on the part of the governmental agencies which we are now discussing.

Whatever may be thought of the merits of the undertaking, there is no question that a great and important change of policy has been inaugurated. That change of policy has come coincident with the seeking of a remedy to prevent the dangers that seemed to be apparent. I think it is very noticeable to-day that, while concentration is the law of the hour, regulation or control by the Government is absolutely demanded, and I can note quite a change of public sentiment in the general attitude of the public toward the entire question. I think that any Senator would recognize the fact that there is a clearer understanding to-day in the mind of the general public of what great business or big business is. I think that most of us will agree that Colonel Roosevelt was right when he said that there are good and bad trusts. I can recall very vividly how that utterance was very bitterly attacked as if there could not be such a thing as a good trust, as if that were an inconsistent, if not an impossible, statement.

I also believe that Senators will agree that merely because a thing is big it is not necessarily vicious. On the other hand, I can see advantage to the large dimensions of business provided that it does not take advantage of the public which it serves. Therefore I think there is quite a different attitude of the public as more information comes as to what big business is doing.

Another fact that is very noticeable is that whether big business willingly accepts it or not, large businesses are accepting the principle of governmental regulation. My only concern in the control of these industries is that regulation shall not go to the extent of strangulation. That is the danger invariably, and yet with the Government in control it is not likely that a business, unless it is purely through prejudice, will suffer by Government regulation. That element of prejudice is ever to be avoided and is a danger in such legislation as here proposed.

There is another attitude that I can notice in the public mind that is quite welcome, and that is that there is a general belief that the situation now demands to permit these aggregations to go on in accordance with normal economic life but to hold the Government's hand over the corporations and combinations in a way limited only by the welfare of the public. So I think we can accept the general situation that large business is to be permitted to grow, that a thing is not vicious because it is big, but that while they do grow for purposes that might be primarily for profit they should be regulated by the Government.

As I see it there is no movement that is more prominent in the last 20 years than the movement toward democratization of industry through stock ownership of industry. I do not mean municipal ownership nor Government ownership, but I mean the ownership by the public through the purchase of the stocks of the companies that are doing business. For example, with reference to the railroads, there was a time when the railroad properties were owned by the operatives.

The Interstate Commerce Committee were told recently in the hearings that the ownership to-day of 30 of the first class or class 1 roads would amount to something like 800,000 stockholders. In other words, instead of the stock of the first-class roads being owned by the operatives as many people have thought the stock is owned by something like 800,000 stockholders. I have taken the time to compile a few figures which I think are most enlightening, coming, as they do, from statisticians who, I am sure, have no interest other than to give exact facts.

Take, for example, the transportation system: In 1890, when the antitrust law was enacted, there were 81,000 stockholders in 33 railroads, averaging a holding of $17,000. In 10 years these had increased less than 2,000, because the movement toward ownership in the public had not yet set in, but in 1923 the owners of railroad stock had increased to 602,000.

As I suggested a moment ago, at the beginning of 1924 the owners of stock in class 1 railroads numbered about 800,000, with an average holding of a little over $9,000 to the stockholder.

The same situation is noted in the packing industry. Mr. President, we can remember——

Mr. SIMMONS. Mr. President, may I ask the Senator a question?

Mr. FESS. I yield to the Senator from North Carolina.

Mr. SIMMONS. In the Senator's investigation with reference to the ownership of the stock of the railroads did the Senator ascertain in how many of these 30 class A roads to which he has referred is the majority of the stock concentrated into the hands of a few men?

Mr. FESS. Does the Senator mean the majority as represented by the value of the stock?

Mr. SIMMONS. In how many of those roads is the control by stock ownership concentrated in the hands of a very few stockholders?

Mr. FESS. I think in most of the roads ownership of the stock is spread out over a great number of stockholders, but the roads are controlled by a very few individuals through proxies. I think that is the practical effect.

Mr. SIMMONS. And not by actual ownership of stock?

Mr. FESS. No; rather by voting power through proxies.

Mr. SIMMONS. I was under the impression that as to a great many of the roads—I do not mean to say the majority of them—while the minority stock was distributed among citizens of the country, the majority stock was in the hands of a very few people, who actually controlled and directed the affairs of the company.

Mr. FESS. Whether the actual ownership is in the hands of a few, I think the Senator is correct that the control is largely in the hands of a few, very largely through voting proxies, however.

Mr. NORRIS. Mr. President, may I interrupt the Senator at that point?

Mr. FESS. I yield to the Senator from Nebraska.

Mr. NORRIS. I have not investigated, but I think the general statement by the Senator from North Carolina [Mr. SIMMONS] suggests an important viewpoint of the matter. The wide diffusion of stock may mean nothing in the control of the company itself.

Mr. SIMMONS. That is the thought I had in mind.

Mr. NORRIS. One man may own a controlling interest in the stock and do what he pleases with the property and yet there may be 150,000 stockholders in the company.

Mr. FESS. I admit the truth of that suggestion.

Mr. SIMMONS. It may be really to the interest of the controlling stockholders to have the minority of the stock distributed among a great many people.

Mr. NORRIS. Of course, it is to their interest to have as wide a distribution of the stock as possible.

Mr. FESS. I will state to my friend from Nebraska what I had in mind. I am of the opinion that, measured by the value of the stock, the public ownership is really larger than that of the few operatives or distinctly interested parties, but through voting by proxies a few do control the policy of the roads. Such practice is not only inevitable, but most likely as it should be, since great industry can not run as a town meeting is conducted.

For example, I have just a little stock in a bank at home. As a stockholder I have never appeared to vote, but my proxy has always been sent; and I am of the opinion that that is pretty nearly the general practice among small stockholders.

Mr. NORRIS. I think that is probably true, but that does not get away from the fact that in one railroad, for instance, a very few men may have the majority of the stock——

Mr. FESS. I understand that.

Mr. NORRIS. And yet may be able to show that the road has a very large number of stockholders.

Mr. FESS. I think the Senator's observation is correct. However, Mr. President, I recall, as does every other Senator here, the time when the great packing industries were controlled by a very few people and were almost family affairs. I think it is quite well understood that the packing industry, which was concentrated in Chicago, was largely controlled by two or three companies and that those companies at one time were mere family affairs. To-day the famous Armour Packing Co., to quote exactly the figures, has about 80,000 stockholders and the Swift Co. has just a little short of 50,000. Of the two companies combined, the figures indicate that 55,000 of the employees of the two companies are stockholders, which I think is a movement in the right direction.

Mr. NORRIS. I agree with the Senator, although I do not draw the conclusion from that, for instance, that Armour does not absolutely control the Armour Co. He still controls it, as I understand, although the company has a large number of stockholders.

Mr. FESS. I am of the opinion that the Senator from Nebraska is correct as to that.

Mr. NORRIS. And the same thing is true as to the Swift Packing Co.

Mr. FESS. Another industry that must attract our attention is the United States Steel Corporation. The statistics disclose that in 1902 there were 43,000 stockholders, including 27,379 employees of the company, while in 1924 there were 159,000, including 50,020 employees of the company.

The Bethlehem Co., which is an independent producer, has about 50,000 stockholders, with 14,000 applicants among its employees under the new purchase plan that has just been announced.

The growth of the movement for public ownership of stock is not confined to the particular industries which I have mentioned, but extends into retail business. I have the figures of 10 companies whose sales were nearly $1,000,000,000 in 1923, in which over 8,000,000 shares, representing nearly $375,000,000, were sold to 41,000 stockholders, representing an average value of $9,000 for each stockholder.

The resolution as originally submitted here proposed directly to an investigation of electric light power companies. As proposed to be amended it is limited to the General Electric Co., facts concerning which become pertinent to the proposed investigation. I have not been able to go in detail into the figures concerning the General Electric Co. I have understood, however, that there are over 30,000 stockholders in that company. I have examined into some other of the companies, however, and find some very illuminating facts. Twelve years after the Sherman antitrust law was enacted the electric power and light industry was estimated at a value of half a billion dollars. That was not large. To-day it is estimated at something near $6,000,000,000, or about twelve times what it was in 1902, 12 years after the antitrust legislation was enacted. It is stated that the property is owned by at least 1,250,000 persons, and if we include with the light and power company such companies as gas and electric railway companies, the ownership will easily reach the figure of 2,000,000. One hundred and eighty-five companies report 653,000 stockholders and 56 companies report 38 per cent of their employees are the owners of stock. The American Gas Association reports that 187 companies sold stock to 227,000 customers in 20 months from January, 1922, to September, 1923. The Commonwealth Edison Co. reported 34,256 stockholders in 1923. The Southern California Edison Co. reported 65,636 stockholders; the Standard Gas & Electric Co. reported 75 per cent of its employees as stockholders, and the Northern States Power Co. reported 80 per cent of its employees as stockholders.

The Western Union Telegraph Co. in 1923 had 26,276 stockholders, with an average holding of 38 shares. The American Telephone & Telegraph Co. in 1923 had 343,000 stockholders, with an average holding of 26 shares, and according to its president over 65,000 employees of the Bell System are stockholders of record in the American company and 100,000 or more are acquiring stock. There are also over 147,000 owners of preferred stock of associated companies.

The best example of popular ownership in our country is shown by the investments in the various insurance companies. Without going into detail, Mr. President, there are supposed to be something like 45,000,000 people in our own country, limiting it to this country, who hold policies in those companies of a value of something like $60,000,000,000.

Ex-Secretary of the Treasury David Houston recently stated that over 11,000,000 families in the United States own their own homes, which house 55,000,000 of our people. He

also stated that 36,000,000 people have savings of more than $21,000,000,000, while in Europe 80,000,000 people have savings of but $9,000,000,000. Mr. President, I think those figures are most significant.

The most recent movement—and it is one of vast importance—is the launching into the banking business by labor organizations. I think that is one of the most significant of all modern movements. It is stated, I think by Mr. Stone, of Cleveland, that already 15 banks have been established by labor organizations and that there are something like 7 more that are now in process of being established; that 60 applications are on file, and that banks already established and in process of being established by them have a capital of $150,000,000. I know of no movement in modern life that means more than this movement on the part of union labor.

Mr. President, I have here a statement, tabulated to indicate the popular ownership in various utilities of the country representing something like 27 or 28 different industries, recently published in the World's Work. I do not desire to take the time to read it, and, therefore, ask unanimous consent to have the table inserted without reading.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Without objection, it is so ordered. The Chair hears none.

The table referred to is as follows:

Popular ownership in various utilities

Pacific Gas & Electric	26,259
Commonwealth Edison	36,256
Southern California Edison	65,636
Columbia Gas & Electric	19,800
Standard Gas & Electric	12,700
Public Service of New Jersey	25,912
Consolidated Gas, Electric Light & Power, Baltimore	11,449
Middle West Utilities	21,416
Northern States Power	20,163
Total public utilities	2,000,000
Western Union	26,276
American Telegraph & Telephone	343,000
United States Steel	158,940
Bethlehem Steel	49,497
Armour Packing Co	77,000
Swift & Co	46,751
Ten retail trades	40,767
Standard Oil of New Jersey	65,000
Standard Oil of California	18,025
Standard Oil of New York	15,000
Texas Oil	30,000
Standard Oil group	300,000
Pennsylvania Railway	144,228
Atchison, Topeka & Santa Fe	67,118
Union Pacific	52,532
New York Central	34,946
New York, New Haven & Hartford	24,796
Boston & Maine	16,797
Illinois Central	19,470
Chicago, Milwaukee & St. Paul	22,518
Chicago & Northwestern	19,451
Delaware & Hudson	10,850
Louisville & Nashville	5,947
Norfolk & Western	13,176
Great Northern	44,800
Chesapeake & Ohio	9,320
Southern Pacific	60,186
Missouri Pacific	3,345
Northern Pacific	37,991
Erie	14,495
Class I railroads	800,000
Insurance companies	45,000,000
Farms covering 72 per cent of land and 15,000,000 persons	3,500,000
Savings of $21,000,000,000	36,000,000
Homes, sheltering 55,000,000 persons	11,000,000

Mr. FESS. It is an interesting study to ascertain who are these purchasers and what station in life they have. The best statement I have of who are the purchasers of these various stocks is made by the president of the American Bell Telephone Co., and it has been published. I therefore ask unanimous consent to insert this statement without further reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Vocations	Subscriptions	Shares
Accountants	2,627	13,873
Agents	879	6,715
Artists	159	965
Associations	38	398
Attorneys	964	11,924
Automobile trades	747	2,903
Bankers	1,249	21,627
Barbers	527	1,911
Building trades	1,043	8,836
Capitalists	24	712
Chemists	164	1,092
Clergymen	491	3,172
Clerks	10,774	44,060
Domestics	498	2,384
Draftsmen	303	1,357
Dressmakers	1,003	4,152
Druggists	783	4,431
Engineers	1,205	8,916
Engravers	657	3,500
Estates	60	761
Executives	4,347	42,178
Farmers	1,126	6,717
Government employees	1,589	7,691
Grocers	879	4,696
Hotel employees	668	2,605
Housewives	21,626	132,042
Insurance and real estate	1,413	13,263
Laborers	24,317	82,182
Librarians	73	344
Manufacturers	5,681	52,366
Merchants	691	4,154
Musicians	188	1,028
Newspaper men	398	2,275
Nurses	997	3,746
Oil men	96	926
Physicians	2,706	25,430
Photographers	115	515
Teachers	3,047	15,271
Retired	2,362	25,576
Salesmen	4,283	28,560
Stenographers	4,101	18,594
Students	893	4,413
Tailors	468	2,145
Undertakers	216	1,809
Welfare workers	14	37
Miscellaneous	12,310	110,424
Total	118,799	733,676

Mr. FESS. The Government itself has taken a lead along this line, and one of the best examples is our postal savings movement. In talking with the Post Office Department this morning to get the information as to what we have done along that line, they stated that the postal savings movement became law back in January, 1911, and this morning they are able to report 425,000 depositors in the postal savings movement, representing $133,300,000.

Mr. President, I rose simply to say that the clause that I should like to have the Senator from Nebraska agree to go out is the one that applies to the stockholders.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. FESS. Yes.

Mr. NORRIS. Does the Senator want to have the Electric Bond & Share Co. escape this investigation? Is the Senator aware that it is the largest subsidiary and that all its stock has been divided equally among the stockholders? Does he think it should escape investigation?

Mr. FESS. I stated to the Senate that I had not been able to go into the General Electric matter as I ought to have.

Mr. NORRIS. Does not the Senator see that if we eliminate the Electric Bond & Share Co. from this investigation we take away half of the force of it?

Then, I want to ask the Senator another question right on the same line. I can not speak with authority on this point. As to the Electric Bond & Share Co., I am speaking from my personal knowledge; but there is another electric manufacturing company, known as the Westinghouse Co. I am informed on what I believe to be very reliable authority that the only connection between the Westinghouse Co. and the General Electric Co. is through stock ownership. Everybody knows that they have a close understanding, that they are operating very closely together, and that they do not compete with each other as a rule; but if we struck out this language, and if the fact were that the Westinghouse Co. was in practical agreement with the General Electric Co., thus eliminating practically the only competitor of any size, would the Senator want to eliminate them from the investigation, if this language would eliminate them?

Mr. FESS. The Senator from Ohio is convinced that the language of the resolution without including the stockholders will give the Senate the information that we ought to have, and if there is anything which is contrary to law, that will furnish the basis upon which we can act. The Senator from Ohio is much concerned about possible injurious results of going into a field of such tremendous dimensions as the investigation of the stockholders.

Mr. NORRIS. I want to disabuse the Senator's mind on that point. It is true that they would have the power to summon a stockholder before them. If that were not the case, if

one person controlled it all, he would be entirely eliminated from investigation. I do not anticipate that men with small holdings will ever be asked to testify, or that they will be investigated in any way. They will first ascertain who the large stockholders are, and they will pursue the course that I think sensible men would pursue. It is through the power of the large stockholders that stock ownership controls other companies, if they are controlled, and not the small ones. I do not anticipate anything of that kind; but I do not know how to give them the power to inquire of the large stockholders and eliminate the other. They are both stockholders.

For instance, Congress has enacted into law an income tax. It is within the constitutional power of Congress, for instance, to levy an income tax on the farmer, and make it so high that everybody would know that he would be crushed out of existence; but he was not exempted when we passed the amendment. The power must exist. I take it that there will be no intention on the part of the Federal Trade Commission to be foolish about this investigation.

Mr. FESS. Mr. President, I think the Senator from Nebraska and the Senator from Ohio may have a different viewpoint as to the field of this investigation. I recall that not long ago our committee made inquiry of the Interstate Commerce Commission as to how much of a force would be required and how much time would be required to conduct an investigation that we had ordered by a resolution upon which we had acted favorably, and we were astonished to be told that it would take something like $400,000 and all of the force of the Interstate Commerce Commission for several months. There was no one before the committee who could indicate to us how long this investigation would take, or how much expense would be involved. There was an estimate given as to the expense, but it was merely an estimate. I do know that if we go into the field of stock ownership, and the commission is inclined to do what the resolution would order, there is no end to it. Anyone can see that to make an investigation of over 30,000 people is an unending affair.

The Senator thinks that that would not be done; that they would take only a few of the large stockholders. That might be; but I say to my friend from Nebraska that the very fact of the existence of authority to go into this matter would certainly create considerable doubt as to what was going to be done, and I do not know just what baleful effect it would have upon the value of the stocks that are owned by people who are innocent purchasers and the extent of injury to the business of the country. While I should not hesitate to vote to investigate in order to get facts upon which we can legislate, as I have stated over and over, I should hesitate to do anything that would unduly disturb the business of the country without any reciprocal value, and that is what I fear about this.

For that reason I had hoped that the Senator would agree to allow those words to go out, as suggested by this amendment.

Mr. SMITH. Mr. President, I am not going to address my remarks to the particular phase of this debate which has been under discussion; but I want to take this opportunity of calling the attention of the Senate to the serious situation that has called forth the resolution introduced by the Senator from Kentucky [Mr. ERNST].

I do not believe there is any man on this floor who realizes just what that situation is. It is peculiarly acute in the section that I in part represent. We had been exhorted by the Agricultural Department and our political economists that one of the things that perhaps had retarded the progress and prosperity of the South was our one-crop idea.

I shall not now go into the question of why we adhered to the one-crop idea. There were sufficient and compelling reasons that forced us to adopt that course; but, as I say, we were exhorted to diversify, to have other products than cotton, for the purpose of getting our independence, if possible, or at least a degree of prosperity.

Prior to the advent of the boll weevil there had been some attempts made down in our section to grow, as a cash substitute crop, tobacco. Some few farmers pioneered it; and they had not been in it long before we found that the section of the country comprising the eastern part of the two Carolinas was perhaps the finest soil for the production of bright tobacco in the whole country. The profits were very satisfactory, and the business grew rapidly. It was not very many years after this industry had become standardized before we realized that there was but one agency through which the sale and distribution of our tobacco was in a degree possible. The condition of manipulation of the market had become acute in the State of the Senator from Kentucky. They had some manifestations of their disapproval in very extraordinary ways; but before matters reached the stage where we might have been almost induced to invoke the methods that were used in his State, the Government of the United States, through its representatives in both the Senate and the House and the Executive, realized that the only hope of the American farmer to gain what he had been striving for through all the years was self-help through the same process by which modern business was taking care of and protecting itself, namely, by organization and cooperation.

That idea became so thoroughly paramount in the minds of the people that it expressed itself here in Congress—that unifying the product, collecting it, and putting it in the hands of a few, was the only possible means by which the peculiar method of agricultural production and distribution as contradistinguished from manufactured production and distribution could find a means of protecting itself. The Government went so far as to relieve agricultural organizations under the cooperative plan from the operation of the Sherman Antitrust Act. It went further and modified the banking and currency law to the extent of creating the War Finance Corporation to meet an emergency, and later substituted for the War Finance Corporation the intermediate credits act. By implication, implicitly and explicitly, the Government committed itself to the plan of cooperative marketing as the means of ultimate relief for the agricultural interests of this country.

We in the South and in Kentucky and Virginia, which borders on the southwest on Kentucky, organized cooperative tobacco marketing associations. Immediately, at the very outset, when we drafted a form of contract that compelled its observance by the contractor and forced the delivery of the article to the pool, the tobacco world, the manufacturers, and those that theretofore had preempted the market, realized that this new form of cooperation by virtue of its contract was an actual, legal, vital force, and that it had in it the elements of putting the control of the production and sale of that commodity in the hands in which it rightfully belonged, namely, the hands of the producer.

We were at once met by the attitude of two companies which had practically a monopoly of foreign and domestic trade in tobacco. Their attitude was that they would not purchase a pound from the agents of the cooperative organizations.

It can be seen at a glance what that meant. Here were organizations which, through all the years previous to the establishment of the cooperative organizations, had established their foreign connection; had built up their domestic trade; had, by virtue of their good will and their method of doing business, established standardized avenues of commerce, and preempted the ground. Here was a new organization, fostered by the Government, indorsed by the people, which was attempting, legitimately and honestly, to enter the market for protection against whatever incidental misfortune might attend its members by the operation of the other organization. The attitude of these corporations was that, regardless of whether the Government thought that this was a good plan to relieve its citizens or not, they would interpose their power, shut the avenues of trade, prevent the entrance of these organizations into the market which they controlled, and thereby discourage those who otherwise would join the cooperative organization.

It was not a question of theory. Everybody recognized that if this cooperative plan could be carried to the point where the cooperative organizations could control a majority of the product, they then would dictate the conditions under which it would be sold and distributed. These individuals ostensibly going into the market to buy tobacco, it was to be supposed that they were going to make their purchases based on the merits of the tobacco, on its quality. The ownership of it, if they were dealing fairly with the American people, was a matter which did not concern them, providing the ownership was legal. In the eyes of these purchasers, tobacco should have been tobacco, and the price they were willing to pay for a certain grade ought to have been the same, regardless of who delivered the grade. Therefore they practically convicted themselves of fear of just competition when they denied a member of the cooperative organization entrance to the markets which they controlled.

The tobacco that was carried to the warehouses and offered for sale by the agent of the cooperative crowd was in no manner different from the tobacco offered by a nonmember. The tobacco on the floor of the independent tobacco warehouse was no different from that offered upon the floor of the cooperative warehouse. Yet they positively refused to bid on and positively refused to buy one pound from the cooperative organization, when every rule of ordinary commerce made it more profitable

to them, at the time, to buy from the cooperatives than from the independents, because, under the rules and regulations of the cooperative organization, the grades and weights were guaranteed. Experts were there to grade the tobacco. Experts were there to process it in the primary stages, and they had every instrumentality of the organization as a resource by which, if there was any failure to live up to a contract, they could get redress. Yet they absolutely refused to buy one pound.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. SMITH. I yield.

Mr. BRUCE. I would like to ask the Senator by just what means he thinks these two trusts could be compelled to buy tobacco offered by cooperative marketing associations? That is what is troubling me.

Mr. SMITH. And that is exactly what is troubling me. This is the point I want to make——

Mr. BRUCE. The Senator is about to proceed to cover that point?

Mr. SMITH. Yes.

Mr. BRUCE. Then I shall not interrupt the Senator further.

Mr. SMITH. The reason why I want the Federal Trade Commission to investigate this matter is in order to have them bring out the facts in the case. If we, through our commercial treaties, allow foreign companies to come into the United States and enjoy all the privileges our people have, as we reciprocally demand that our people shall be allowed to enjoy advantages in foreign companies, it does look to me like a breach of good faith when any foreign government allows its nationals, under a charter, to come to America and set themselves in opposition to a declared policy of this Government in reference to a means of assisting its citizens.

I think this question is of sufficient importance for our Government to take cognizance of it, and to find means of acquainting foreign governments, under whose laws these organizations are chartered, with the situation. Our Government should take cognizance of this practice of foreign companies coming to this country and attempting to thwart the expressed policy of our Government with reference to the manner in which our citizens shall prepare and offer for sale a given article.

I think the matter is of such importance and is so far-reaching that we are taking a step in the right direction in this attempt to find out if the allegations made in the Senator's resolution are true. We know they are true, so far as the practical boycott of the cooperative tobacco organizations is concerned. I hope the Senate will unanimously pass the resolution, and if the Federal Trade Commission shall find that those foreign companies are amenable to the law, it should be applied. If the matter is of such a nature, as I believe it is, as to require international attention, then we should take the proper steps to see to it that no foreign-chartered company should have the privilege of coming to this country and absolutely defying the expressed policy of this Government in relation to the manner in which its citizens shall proceed to better their condition.

The situation as it now confronts us is bad enough, so far as our domestic operations are concerned, in their attitude toward the cooperative marketing associations. We can find law enough here on the statute books—and if we have not such laws, we can pass them—to prevent men discriminating, not as to quantity but as to the methods by which the article is offered for sale. I think that is a comparatively simple matter. But when the matter becomes complicated by the injection of a foreign company a serious question is raised, one that should be settled now.

It must not be forgotten that when England's back was to the wall and the S. O. S. cry had gone out, America responded. It seems to me she is adopting a questionable manner in reciprocating, attempting to change methods by which American people shall proceed to market a great staple product in this country.

My attention was first called to this two years ago. I understand that there has been practically no change in the situation since. I am convinced, as has been every other man who has been in the Senate or in Congress for the number of years I have, that the most practical plan that has been devised for the successful conduct of business is the plan under which modern business is conducted, namely, through combination and cooperation. Modern civilization in the processes of manufacturing, transportation, and communication has resorted to combination as a means of successful development. It is the logic of modern invention and the logic of modern progress. The producers of raw material, in order to meet the situation, must combine also.

We had a curious situation presented to us in the Committee on Interstate Commerce, as the Senator from Maryland [Mr. BRUCE] knows, with the great cry coming up for relief from the burden of freight rates, principally from the agricultural interests of this country, because they had no way of absorbing the exorbitant charges from a thousand sources which were absolutely impoverishing them. The farmer had no way by which he could pass on the charges or absorb them except by the process of denying himself and his family those things which make life tolerable.

I hope the Senate will agree to this resolution. I am heartily in favor of the resolution reported by the committee providing for an investigation of the Light and Power Trust. We have deliberated on that measure, and we put it in such shape that it met the unanimous views of the committee, and it was reported favorably to this body.

I trust that with conservatism, but with an intent to find what evils may exist in connection with these vast organizations, we may point them out, turning the light of publicity on them, and then such legislation as we may enact to make them a blessing rather than a curse should be speedily enacted.

I rose for the purpose of emphasizing this situation, as I know the acute conditions in which the tobacco growers of my section find themselves, with the great foreign markets preempted by these companies with their trade established and standardized. It is practically impossible within a reasonable length of time, unless the growers have control of a majority of their product, for them to break the strangle hold these organizations now have, but through the intervention of our Government I believe relief can be afforded.

Mr. WATSON. Mr. President, will the Senator permit me to ask him a question?

Mr SMITH. Certainly.

Mr. WATSON. Did the Senator state his views on the pending amendment?

Mr. SMITH. I did not. So far as I am concerned, I really think that neither the inclusion nor the omission of the amendment could really seriously alter the general effect of the resolution.

Mr. NORRIS. This language was put in by the committee which reported this substitute measure?

Mr. SMITH. Yes.

Mr. NORRIS. The Senator is chairman of that committee?

Mr. SMITH. Yes.

Mr. WATSON. If the Senator will permit, I think the language might be modified and not stricken out, so as to include the two other organizations, if those words go out; but I understand the Senator from Nebraska is not willing to accept that modification. Am I right?

Mr. NORRIS. I have not accepted any modification the Senator from Indiana has suggested.

Mr. WATSON. The only modification that would suit me would be to strike out the whole business.

Mr. NORRIS. Of course.

Mr. WATSON. Because I am opposed to all these investigations.

Mr. SMITH. May I make just one observation? I think the objection that has arisen since the report was the construction of some Senators that where the resolution mentions "stockholders," as the Senator from Ohio [Mr. FESS] indicated, it might mean an investigation of persons and individuals. I think the Senator from Nebraska, in accepting the committee report, accepted it upon the ground that certain majority stockholders are controlling, whether singly or in groups with an understanding. I think that is the object he had in view, and I think the general language of the resolution, even with the words stricken out, as proposed by the amendment of the Senator from Indiana, would cover all that the Senator from Nebraska desires.

Mr. BRUCE. Mr. President, I desire to say just a few words in regard to the pending resolution. It is hardly necessary for me to allege that I fully share the American hatred of tyranny in every form, whether the tyranny of king or kaiser or of some great, arrogant, powerful business combination. Indeed, if I had any choice in the matter, I think that I should prefer the tyranny of king or kaiser; for that is at least an open and avowed tyranny, while the other form of tyranny is exercised in a more or less stealthy and insidious and sometimes in a depraved or corrupt way.

I really could not conceive of any Member of the United States Senate being fit for a seat in the Senate who did not have the proper measure of abhorrence for any trust of any sort that was organized for the deliberate purpose of oppressing the American people, but I think also that there ought certainly to be some kind of check imposed upon the initiation

of an investigation with respect to a great business interest of the country when there is no real substantial testimony tending to show that it has inflicted some wrong or other on the public. I think that there ought to be some sort of prima facie case made out against the General Electric Co. or any other company of the same description before an investigation is instituted into its affairs by the Senate or before the Federal Trade Commission is directed to begin such an investigation and the Government proceeds to expend thousands or hundreds of thousands of dollars in prosecuting the investigation.

So far as the General Electric Co. is concerned we are asked to vote for a resolution instructing the Federal Trade Commission to investigate its affairs without one solitary line of testimony having been taken by any committee tending to prove that it has in truth been guilty of misconduct.

The paper on its face simply recites that the allegation has been made by a Member of the United States Senate that the General Electric Co. is engaged in the restraint of trade. Now, really is an investigation of this searching momentous a character to be initiated merely upon an allegation by some Member of the United States Senate that a business corporation is engaged in monopolistic practices contrary to the provisions of the Federal laws? We all know that there is more than one Senator here who seems to regard a locomotive as if it were some kind of red-mouthed dragon breathing flame and smoke. I can not willingly commence an investigation of this sort upon the mere asseveration, the mere allegation of a single Senator in this body that there is need for such an investigation.

The Senator from South Carolina [Mr. SMITH], for whom I entertain a feeling of respect, fell, of course, into the well-beaten track that is so often trodden with regard to these investigations, and has said again, as has been stated dozens and dozens of times since I have been here, that agricultural railroad rates in the United States are inordinately oppressive. They are nothing of the sort, in the light of the testimony that has been rendered before the Interstate Commerce Committee since I have been a Member of this body. I have more than once brought that testimony to the attention of this body; and only a few days ago I recalled the statement of Mr. Daniel Willard, the president of the Baltimore & Ohio Railroad Co., before the Senate Interstate Commerce Committee, that if the entire net profits earned by the railroads of the country from the carriage of agricultural products in 1923 were turned over exclusively to the wheat and corn farmers of the country it would signify an increase of only 4 cents per bushel on what they got for their wheat and corn.

I have also mentioned the fact that while the general cost of living has gone up 70 per cent railroad rates have gone up only some 53 per cent, and that of course because of the remarkable economy, efficiency, and sagacity on the whole with which the railroads of the country have been managed. I wish to God that the affairs of the Federal Government were managed with one-half the same degree of intelligence and frugality. And yet here we have an amendment beginning merely with the recital that some Senator in the United States Senate has stated that the General Electric Co. is the mother of a monstrous trust, and on the strength of that the Federal Trade Commission is expected to enter upon an elaborate and perhaps very costly investigation.

If there is truly anything to be investigated in the operations of the General Electric Co. or any other company of the country, I am in favor of investigating it. Why should I have lived for 64 years not to know that all power tends to abuse, whether that power is lodged in a king or a president or a legislative assembly or some ordinary public official or in some great business corporation or combination? John Randolph, of Roanoke, was right when he said that nothing but power can limit power. A truer thing was never said. As I have more than once declared, I have been engaged in the regulation of public-service corporations for a large part of my life, and nobody knows better than I do that their operations should be scrutinized with a jealous, vigilant, and circumspect eye always; but nobody knows better than I how readily injustice can be done them and how easy it is to raise the cry that they are engaged in unconscionable machinations of some kind against the public welfare.

If there is anything that elicits all the hypocrisy, all the claptrap, and all the demagoguery that lurks in human nature it is some large business corporation in a democratic land. Often the hue and cry is sounded against some corporation of that description simply because it is a large corporation, or, to use the current expression, a big corporation, as if there were anything necessarily evil or inimical to the public interest in the fact that a corporation is a big and not a small corporation. The bigger it is the more important, of course, it is that the representatives of the people should see to it that it is not guilty of any misdeeds of any kind.

Love grows by what it feeds upon, and power does so likewise. But I affirm that no investigation of any corporation, big or little, should be instituted by this body until some sort of prima facie case has been made out by material testimony before a committee showing or tending to show that there is a genuine need for investigation.

When the Norris resolution relating to electric power companies was first referred to the Committee on Interstate Commerce it was so broad that the net that the resolution was to put out might have drawn every business fish in the country, big or small, into its meshes. Not only was it proposed to investigate all public-utility corporations engaged in the business of supplying electric power, but to investigate all the thousands and thousands of banks and trust companies scattered throughout the country if they had any connection of any nature with those public-utility corporations. That, of course, was too much for the Interstate Commerce Committee to stomach, and so it pruned away some of the worst features of the resolution. But even in its present form as an amendment it still embodies the proposition that the Federal Trade Commission is to be instructed to institute an investigation into the operations of the General Electric Co. merely because a Member of the Senate has alleged on the floor of the Senate that the General Electric Co. is engaged in illicit practices.

So far as the Tobacco Trust is concerned, personally I might well depart from the principle that I have announced that there should be some sort of prima facie case made against a corporation before it is investigated, because I happen to know something of that trust. And if it is perpetrating any abuses at the present time I certainly hope that those abuses will be investigated and brought to an end, but even the Senator——

Mr. NORRIS. Mr. President, may I interrupt the Senator from Maryland?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Nebraska?

Mr. BRUCE. Yes.

Mr. NORRIS. The Senator from Maryland says he favors that class of investigation?

Mr. BRUCE. I said that if I were to proceed simply on the personal knowledge that I myself happen to have about that trust I should be in favor of the passage of the Ernst resolution. I know something about it. I have been somewhat of a tobacco planter myself, and my father was one before me.

Mr. NORRIS. The Senator, therefore, is in favor of that investigation?

Mr. BRUCE. I am in favor of that investigation.

Mr. NORRIS. But is opposed to the other investigation because the information is furnished by a Senator?

Mr. BRUCE. No; I was going on to say, if the Senator will allow me, that in the case of the Tobacco Trust, while I am entirely in sympathy with the general purpose of the Ernst resolution, I think that even the Senator from South Carolina [Mr. SMITH] ought to follow up his statements to this body by the production of testimony in some form or other, going to show——

Mr. NORRIS. Did the Senator follow the testimony which I produced here?

Mr. BRUCE. I am afraid I did not. Did the Senator produce any testimony?

Mr. NORRIS. Then, I think the Senator ought to modify his statement if he refers to me when he says that only allegations were made.

Mr. BRUCE. Did the Senator ever produce any testimony on that subject?

Mr. NORRIS. Speaking as a lawyer, technically I did not, because I was not sworn or put on the witness stand, but I produced for hours and hours allegations as to the subsidiary companies, the ownership of stock, interlocking directorates, and so forth. I produced also the opinion of a committee of the Legislature of New York, and I read at some length from their findings about the General Electric Co., making allegations more severe than I personally have made. There are pages and pages of such matter in the CONGRESSIONAL RECORD, which has never been denied or disputed by anyone, so far as I know.

Mr. BRUCE. I do not know a Member of this body whose statements are usually marked by a higher degree of frankness, candor, and sincerity any honesty of conviction than those of the Senator from Nebraska, but I do not think that his statements or those of any other Senator in this body can take the place of testimony; testimony that is formally presented to

some committee of the Senate, subject to the right of cross-examination and the right of rebuttal, and all that.

The point that I am making is, that while I am thoroughly in sympathy with the idea of investigating any and all abuses which may be perpetrated by any business combination, I do think that such an investigation ought to be preceded by legal testimony. I am speaking now of testimony in the strict sense of the word, because we know that there is all the difference in the world between mere allegations and formal testimony making out a prima facie case of wrongdoing.

Take the Senator from South Carolina, for instance; he has had an opportunity to say the very worst that is to be said against the Tobacco Trust, and just as likely as not——

Mr. WATSON. Mr. President, will the Senator permit a question?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Indiana?

Mr. BRUCE. I do.

Mr. WATSON. Suppose it be true, as charged by the Senator from Nebraska; does not the Senator believe that the Federal Trade Commission now has authority under existing law to investigate the whole matter?

Mr. BRUCE. Unquestionably; and that was stated by the representatives of the Federal Trade Commission before the Interstate Commerce Committee, and was also stated before the committee by Judge Seymour, of the Department of Justice.

Mr. NORRIS. The Senator does not mean to say that the law does not specifically provide that they shall make investigations upon the direction of Congress?

Mr. BRUCE. The law does so provide.

Mr. NORRIS. So it is not out of place for Congress to call for this investigation. So far as the examination of witnesses, and so forth, is concerned, I presume that will all take place if this resolution shall be passed and the Federal Trade Commission shall undertake the investigation.

Mr. BRUCE. But I do not think that the jurisdiction of the Federal Trade Commission ought to be so lightly put in motion. I do not think that we ought to set rolling a great stone like that until there is some real opportunity to see how beneficial or destructive its movement is likely to be. That is the only point that I am making.

Now, as I was going on to say, the Senator from South Carolina could not find any worse indictment to urge against the Tobacco Trust in his statement than that it persistently refuses to buy tobacco at tobacco warehouses brought to them for sale by cooperative marketing associations. Assuming that this is true, it is a mean thing, a censurable thing for it to do, and moreover a thing highly inimical to the public interests in every respect, and I hope some legal means may be found by which such a course of conduct may be rebuked, but, at the same time, the law must be stretched not a little to compel a buyer, whether a trust or any other sort of a buyer, to buy from a seller from whom the buyer does not wish to buy.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Nebraska?

Mr. BRUCE. Certainly.

Mr. NORRIS. I think the Senator will concede that if the buyers of tobacco, no matter who they may be, absolutely refuse to buy from a cooperative organization, but buy from other people, that is a sufficient reason to make some inquiry.

Mr. BRUCE. It is.

Mr. NORRIS. As the Senator says, that is a serious matter.

Mr. BRUCE. It is.

Mr. NORRIS. One would naturally judge, while the charge might be disproved by evidence, it is true, yet the first inclination would be to think that the company engaging in such a practice had determined to put cooperative organizations out of business.

Mr. BRUCE. It would.

Mr. NORRIS. I think if that fact alone were demonstrated it would be something that ought to be looked into. I concede that there may be some explanation for it; but, standing uncontradicted, it is a prima facie case, it seems to me, that there is something wrong.

Mr. BRUCE. But there is all the difference, as we lawyers know, between allegata and probata. That statement has been made, but, as the Senator says, first of all the fact might be explained away by testimony. I do not know whether it can be or not; I doubt whether it can be, because, knowing human nature so well, I think that the Tobacco Trust has a very powerful motive to hamper the operations of the cooperative tobacco marketing associations. Nevertheless, why should not the charges of the Senator from South Carolina be backed up by testimony calculated to make out a prima facie case against the trust? In other words, let the matter go to some committee; let the committee consider it and take testimony, as in other cases, and then report back the resolution favorably or unfavorably according to the strength or weakness of the testimony that is adduced before it.

Mr. WATSON. Mr. President, it might be well to call attention to the fact that the Department of Justice already has investigated the General Electric Co. along certain lines and in certain of its phases. The Senator from Nebraska stated the other day on the floor—and, of course, he inadvertently did so—that the decree of 1911 had been violated and that no notice had been taken of the violation. The truth is that the whole subject has been investigated many times since then, and that a case was argued in Cleveland last week based on the violation of the decree of 1911. That has reference, of course, only to the incandescent-lamp phases of the industry, but it must be remembered in that connection that, while the incandescent-lamp manufacturing end of the concern is but 20 per cent of their total business, yet it furnishes 64 per cent of their entire revenue; so that when the department is investigating that feature it is investigating very largely the whole business of the General Electric Co.

Not only that, but, if the Senator from Maryland will permit me further——

Mr. BRUCE. Certainly; with pleasure.

Mr. WATSON. Mr. Seymour testified—and he has this litigation in charge—that, of course, the Department of Justice has plenary power to investigate any violation of the Sherman antitrust law by this or any other corporation or organization, and also any violation of the Clayton Act.

Mr. BRUCE. May I interrupt the Senator there for a moment?

Mr. WATSON. Yes.

Mr. BRUCE. He testified also that they are investigating the radio side of the electric-power business.

Mr. WATSON. Yes; and he gave a half dozen cases involving this same proposition which they are now investigating, so that they have now full authority to investigate the very thing the Senator from Nebraska seeks to have investigated.

If there be a differentiation in the authority of these bodies, it is that the Federal Trade Commission has the authority to investigate unfair trade practices, an authority which does not seem to be reposed in the Department of Justice. Judge Seymour said that there was no question that the Federal Trade Commission at this time had full authority to investigate everything demanded by the resolution of the Senator from Nebraska.

Of course, the Senator from Nebraska says, "Well, if they already have the power to do it, the adoption of this resolution will do no harm, and therefore the resolution ought to be adopted." But it is simply piling up the authority. The real fact about it is that both of these departments of the Government have full authority at the present time to investigate, and one of them is investigating the General Electric Co. at this time. Not only that but various cases have been brought along this line, so far as the General Electric Co. is concerned. That is my objection to the resolution.

Mr. BORAH. Then, the Senator's objection to this resolution would be the mere question of expense, would it not?

Mr. WATSON. That would be all, if, of course——

Mr. BORAH. That might not arise if the Federal Trade Commission were of a mind to go ahead anyway.

Mr. WATSON. Yes; precisely, if they were of a mind to go ahead.

Mr. BORAH. As a matter of fact, this resolution would simply be a request for them to go ahead.

Mr. WATSON. Precisely; that is what I say would be the natural answer of the Senator from Nebraska to my suggestion that they now have full authority to do this thing. He would say, "What harm will it do, then, if they have the authority? Let it go on"; but I object to the specific part of the resolution which calls upon them to investigate into the holdings of from 32,000 to 35,000 individual stockholders in the United States. That is my objection to the whole proposition.

Mr. NORRIS. It does not propose to do that.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me for a question?

Mr. WATSON. I can not yield without the consent of the Senator from Maryland.

The PRESIDING OFFICER. Does the Senator from Maryland yield; and if so, to whom?

Mr. BRUCE. I yield to the Senator from Pennsylvania to make his inquiry.

Mr. REED of Pennsylvania. I understood the Senator from Indiana to agree to what was said by the Senator from Idaho [Mr. BORAH], namely, that the only objection to the resolution would be on the ground of expense. If, as a matter of fact, this concern was already being investigated by the Department of Justice, I think there is a deeper objection to it than that. I think that any citizen of the United States would have a right to protection here against a double investigation for the same purpose. We can trust the Department of Justice if they are conducting an investigation. It would be an outrage for us to inflict a double investigation on any citizen, because we know just what is the effect on any concern or any individual whose business is laid open to Federal investigation. It is a great hindrance to the functioning of their business, and to lay them open to a double investigation I think is an injustice against which we ought to protect them.

I should like to add further, if the Senator from Maryland will indulge me——

Mr. BRUCE. Certainly; I yield with pleasure.

Mr. REED of Pennsylvania. That I speak with some embarrassment, because I happen to be owner of a very few shares of General Electric stock, which are in my box at Pittsburgh, and which I can not now get in order to sell. Otherwise I should divest myself of any interest in the matter before voting. I should like to make that statement and say that to that extent my own interest is involved in the pending question.

Mr. BORAH. Mr. President——

Mr. BRUCE. Mr. President, if the Senator from Idaho will allow me, I will yield to him in just a moment. The Senator from Idaho was not here when I was making the single point that I had in mind, namely, that these demands ought to be preceded by some sort of prima facie case made out by formal testimony.

Mr. BORAH. Yes; I heard the Senator say that, but really I do not see the substantial objection to this resolution; that is, I can not follow the line of argument. In the first place, the Department of Justice now has power to make such investigations, and it is making an investigation now. In the second place, the Federal Trade Commission has power to make such investigations.

All the business which may be carried on with reference to the General Electric Co. and its subsidiaries is being carried on under the well-known fact that either one of these agencies of the Government may investigate them on any day and go to the full extent of acquiring knowledge with reference to all of their transactions. In other words, they are living under laws which advise them that they are subject to investigation at any time. The mere fact that the Senate comes to the conclusion that it should make a request that one of these bodies proceed, does not seem to me to be a matter of very great concern to this business institution which may be investigated at any time by either one of these agencies.

Mr. WATSON. Except in this important particular, if the Senator from Maryland will permit me——

Mr. BRUCE. I decline to yield.

Mr. WATSON. Then I will sit down. I beg the Senator's pardon.

Mr. BRUCE. I decline to yield except in my own discretion, which will be very liberally exercised.

Mr. WATSON. I thank the Senator.

Mr. BRUCE. Right there I should like to say to the Senator from Idaho, does not the very fact that the Federal Trade Commission has not seen fit to institute an investigation of this kind, nor the Department of Justice, suggest the conclusion that in the judgment of those two agencies of the Government there is no real reason for such an investigation? To reach any other conclusion seems to me to impute dereliction of duty to them.

Mr. BORAH. It may be possible that those two departments of the Government have not come to the conclusion that there is any necessity for an investigation of them, although I understand that the Department of Justice is making one.

Mr. BRUCE. No; it is simply conducting a single specific case involving a particular situation.

Mr. WATSON. But based upon previous investigations.

Mr. BRUCE. Previous investigations in the field of investigation that related to that particular case.

Mr. BORAH. What possible harm can this investigation do other than to start the machinery of investigation?

Mr. BRUCE. I do not question that, because, as the Senator from Nebraska so well pointed out, in addition to the power that the Federal Trade Commission has to take the initiative itself, it is competent for Congress at any time to direct such an investigation by the Federal Trade Commission; so the Senator is entirely within his legal rights, in my humble judgment, whatever the question of policy may be.

Mr. WATSON. Mr. President, will the Senator permit me an observation?

Mr. BRUCE. Yes; certainly.

Mr. WATSON. I will say to the Senator from Idaho that in my judgment there is this difference: This resolution directs the Federal Trade Commission—

> to investigate and report to the Senate to what extent the said General Electric Co., * * * either directly or through subsidiary companies, stock ownership, or through other means or instrumentalities, monopolize or control the production, generation, or transmission of electrical energy or power.

In order to determine whether or not the General Electric Co. at this time has a monopoly, or is seeking to create a monopoly—and that is what the Senator is asking in his resolution—the Federal Trade Commission might not think it necessary to go into the affairs of 35,000 stockholders to find that out; and yet here is a specific direction to go into their affairs, to investigate the 35,000 stockholders, regardless of whether the Federal Trade Commission now believes that it is necessary to do that in order to ascertain whether or not there is a monopoly or they are seeking to create a monopoly.

Mr. BORAH. Let us assume that the Federal Trade Commission might not in the first instance, of its own motion, think it necessary to go into that; but let us assume, as we have a right to request an investigation, that some one in this body has sufficient reason to believe that the commission ought to go into it. Is there any reason why it should not be gone into?

Mr. WATSON. I think so.

Mr. BORAH. If the investigation discloses no evidence of a monopoly, and discloses no evidence of an intent to create a monopoly, very little injury will have been done anybody.

Mr. WATSON. I claim this——

Mr. BRUCE. Just a moment, Mr. President.

Mr. WATSON. Pardon me; the Senator is right.

Mr. BRUCE. While great respect is to be paid to the statements of Senators, I do not think that the mere allegation of a Senator, even where he refers to a report, as was done by the Senator from Nebraska, or to what he has heard, justifies the institution of an investigation. There should be something in the nature of material legal testimony, sufficient to establish prima facie the existence of veritable abuses.

Mr. BORAH. Of course, Mr. President, technically speaking, there has not been evidence introduced here which would come under the rules of Greeneleaf if they were invoked; but the Senator from Nebraska on two different occasions, when I had the pleasure of listening to him, adduced a tremendous amount of evidence and facts which would justify the belief that there is something worth while to investigate.

Mr. BRUCE. But there has been no hearing, no opportunity to cross-examine anybody; no chance to rebut.

Mr. BORAH. I will not say that there has been any hearing; but evidently the Senator from Nebraska has a source of information somewhere, whether it was before a committee or otherwise. He brought in here the facts showing the relationship of these subsidiary companies, the interlocking directorates, and what they were actually doing, and disclosed some evidence which had been gathered by an investigating committee. It was not a mere allegation—far from it.

Mr. BRUCE. No.

Mr. BORAH. It was supported by perhaps as accurate information as it is possible for this body to get.

Mr. BRUCE. Perhaps it is; but it seems to me that it is not information that is brought forward in any really probative way.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from South Carolina?

Mr. BRUCE. I yield to the Senator.

Mr. DIAL. I merely want to keep the RECORD straight as we go along. I should like to ask the Senator from Nebraska if he is not in error in stating that there is no competition between the General Electric Co. and the Westinghouse Co.? Is that one of the allegations he made? I understood him to say that awhile ago.

Mr. NORRIS. Mr. President, if the Senator will yield——

Mr. BRUCE. Yes; I yield.

Mr. NORRIS. I said to-day that the information in regard to the Westinghouse Co. I could not demonstrate like the other information I had given to the Senate, but that I had information from what I regarded as very reliable authority that there was an understanding and agreement between those two big companies, and that it came about through the ownership of stock by the same people in each one of the companies. I distinctly said that I did not place that on the same basis as other information I gave, because I got that from personal investigation of documents which gave me a personal knowledge of it. I can only say to the Senator, as I said in opposition to the motion of the Senator from Indiana [Mr. WATSON], whose motion, if it prevailed, would prevent an investigation of the Westinghouse Co., if the Westinghouse Co. and the General Electric Co. have an understanding or agreement about prices or anything else in a trade way that comes about through stock ownership by the same people in each one of the companies, that the only way to reach that would be to give to the commission sufficient authority to make the investigation of the stockholders, which could not be done if the Senator's motion prevails and that language is stricken out.

Mr. DIAL. I know but little about those companies myself.

Mr. NORRIS. I do not know as much about that as I do about the other matter.

Mr. DIAL. My understanding is, however, that there is very sharp competition between those companies and others. Certainly this was the case some time since.

Mr. CARAWAY. Mr. President, may I ask the Senator from Maryland a question?

Mr. BRUCE. Yes; certainly.

Mr. CARAWAY. I understood the Senator to lay down the general proposition that there ought to be no investigation until there was substantial evidence.

Mr. BRUCE. Some substantial evidence tending to establish the existence of the conditions that are alleged.

Mr. CARAWAY. I am rather curious to know how you are going about it, because you can not get the evidence until you have the investigation. It would be like requiring a grand jury to make no investigation until it had heard evidence.

Mr. BRUCE. I do not agree with the Senator, with all due respect. This resolution was referred to the Interstate Commerce Committee. We have facilities, of course, for bringing before us anybody and everybody who would be likely to throw light upon the subject.

Mr. CARAWAY. The Senator would prefer, then, to have a committee of this body investigate this matter, instead of directing some established bureau or institution of the Government to make the investigation, because before the evidence can be had there must be an investigation before the committee or before the Federal Trade Commission, one of the two, in this matter?

Mr. BRUCE. No; I would have the investigation before the committee for the purpose of determining simply whether it would be an expedient thing in a legislative sense for such an investigation to be conducted.

Mr. CARAWAY. Would not that be more nearly for the committee to determine, upon their judgment, whether or not this question is one it ought to go into? If you have an investigation before you determine that you will have one——

Mr. BRUCE. No; it would not, with due deference to the Senator. I do not think that the investigation that I contemplate would answer that description at all. The Interstate Commerce Committee would simply determine whether there was enough substantial testimony before it to justify it in reaching the conclusion that it would be wise and expedient, from the public point of view, to instruct the Federal Trade Commission to institute the real investigation.

Mr. CARAWAY. I noted on Saturday that an investigation was ordered of the tobacco situation.

Mr. BRUCE. Yes.

Mr. CARAWAY. And I do not think it even went to a committee.

Mr. BRUCE. No; it did not. I thought that it ought to have gone to a committee, and I think so now; but I was not willing to insist upon the point. As I said before, I happen to know a good deal about the operations of that trust and so I was ready, speaking for myself as a mere individual, to have an investigation into its transactions instituted on the strength of my own personal knowledge.

Mr. NORRIS. Mr. President, may I ask the Senator a question there?

Mr. BRUCE. Yes.

Mr. NORRIS. Did the Senator get his information about the Tobacco Trust from listening to sworn testimony on the witness stand, where men were examined and cross-examined?

Mr. BRUCE. I got it very largely from tobacco planters themselves, actually engaged in the business of raising tobacco.

Mr. NORRIS. All right. Is that any different, then, from a Senator here getting his information from another Senator, where it is produced in the open and opportunity for debate is offered?

Mr. BRUCE. I should think so.

Mr. NORRIS. Were these men sworn? Were they cross-examined? I refer to these tobacco planters who gave the Senator the information.

Mr. BRUCE. They sustained such close, intimate relations to the pressure of the grievances of which they complained that their statements would necessarily have a high degree of primary value as testimony. I recalled on Saturday the fact that one of the last things that I ever heard my own father say—he was a tobacco planter in Virginia on a considerable scale—was that he hoped that sooner or later the American Tobacco Trust would at least have the kindness to establish an asylum for decayed Virginia tobacco planters. I myself was engaged in the cultivation of tobacco—entirely in a collateral way, of course—for a good many years, and I had a great many tenants who raised tobacco.

Mr. BORAH. Was the Senator a member of the trust?

Mr. BRUCE. No; I was not. I will not say that I wish I had been. No; I was not a member of the trust. I think a great many people who denounce trusts, however, would be very quick to yield to the temptation of connecting themselves with them if they had a chance.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from New York?

Mr. BRUCE. Yes; I yield.

Mr. COPELAND. We are very much interested in this conversation, but unfortunately we get only a little of it. We should like to hear it all.

Mr. KING. I suggest to the Senator that he read it in the RECORD.

Mr. BRUCE. In view of the fact that the Senator occupies such a remote position while the discussion is going on, I do not think that his interest in it can be very eager; but I will try to lift my voice to a higher pitch.

Mr. FESS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. BRUCE. Yes; I yield.

Mr. FESS. The Senator from Nebraska [Mr. NORRIS] mentioned some bondholding company that he thinks ought to be investigated, and which he said could not be investigated if we should strike out this language. The Senator is a good lawyer, and I wish he would look at the underscored language which I hand him.

Mr. BRUCE. Since the Senator says I am a good lawyer, I can hardly refuse his request. What language is it?

Mr. FESS. The underscored language. Suppose we omit that. Then would the reading of the resolution, in the judgment of the Senator, be broad enough so that we could investigate the bondholding company that the Senator from Nebraska has in mind?

He says:

> The General Electric Co., * * * either directly or through subsidiary companies, stock ownership—

And so forth. Would that include a bondholding interest?

Mr. BRUCE. I think so, absolutely, for it says "or through other means or instrumentalities,"

Mr. NORRIS. Mr. President, will the Senator yield there?

Mr. BRUCE. Yes.

Mr. NORRIS. I had expected that somebody would mention that. If that be true, then what is all this farce about striking out these words that the motion seeks to strike out? If the same thing can be done by other words to which the Senator calls attention, what harm is there in saying it in so many words and letting it stay in?

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. BRUCE. Yes; certainly.

Mr. FESS. My concern is to avoid the investigation of all the numerous stockholders; and if the Senator has in mind one particular offensive holding company, I should think that language is broad enough to take it in.

Mr. NORRIS. If the Senator means what I think he is trying to convey to the Senate, he means that if we strike out the words about "stockholders or other security holders" included in the motion of the Senator from Indiana, there is still

another place in the resolution where it says the investigation of stockholders can be made, and therefore they can do the same thing.

Mr. FESS. No; Mr. President.

Mr. NORRIS. Then I did not understand the Senator.

Mr. FESS. The language we want to strike out specifically carries the investigation of stockholders; but is not the language that follows it providing for the investigation of the General Electric Co. "either directly or through subsidiary companies, stock ownership," and so on, broad enough to take in the bondholding company? I am with the Senator in his desire to investigate that. If there is an organization that is taking advantage and that can be investigated without going into the individual stockholders I should like to do it.

Mr. WATSON. That is right.

Mr. NORRIS. I take it that the language the Senator refers to there, that still leaves it broad enough, is the word "stockholders" that he speaks of.

Mr. FESS. I think that would require the investigation of the stockholders.

Mr. NORRIS. All right; if that language would require the investigation of the stockholders, that is all that would be accomplished by the language the Senator seeks to strike out. Hence it is perfectly harmless, if the Senator's position is right; it would not do any harm. I would like to say to the Senator, if he will permit me——

Mr. BRUCE. I yield.

Mr. NORRIS. I have no idea that all these stockholders are going to be scared, or that there will be any occasion for them to be scared, or that the Federal Trade Commission will hail every stockholder into court and put him on the witness stand and examine him. I do not anticipate anything of the kind. If it would satisfy the Senator from Maryland and the Senator from Indiana and others, like the Senator from Ohio——

Mr. BRUCE. I made no point about that.

Mr. NORRIS. If they are afraid we will excite all these stockholders who own only a share or two, and make them all kinds of trouble, it would be perfectly agreeable to me, on line 4, after the word "thereof," to insert the words "owning a substantial amount of stock or other securities." Would that satisfy, I would like to inquire?

Mr. FESS. That would make it better.

Mr. NORRIS. If that would satisfy the Senator from Indiana, I would be very glad to modify the resolution and put that in.

Mr. WATSON. Will the Senator kindly state the words again?

Mr. NORRIS. "Owning a substantial amount of stock or other securities," so that it would read this way——

Mr. WATSON. What does the Senator mean by that? What is "a substantial amount"?

Mr. NORRIS. I am not going to define "a substantial amount."

Mr. WATSON. The Senator is offering the amendment.

Mr. NORRIS. It would mean more than a nominal amount. It would mean that when a man has just 1 share of stock, or 2 shares, they would not pay any attention to him. They would not, anyway. There is no question about it; they would not do that anyway.

Mr. FESS. It would make it better, at any rate.

Mr. WATSON. Let me ask the Senator a question right there, if the Senator from Maryland will yield?

Mr. BRUCE. I yield.

Mr. WATSON. I am assuming that what the Senator from Nebraska wants to find out is whether or not the General Electric has a monopoly now of power or light. Is that right?

Mr. NORRIS. I am not going to be put on the witness stand, as the Senator so often undertakes to put Senators. He may go on and make his statement, and I will be glad to answer it when he gets through; but I do not want to be made a witness.

Mr. WATSON. I am assuming, of course, that the Senator is willing to answer as to what he is trying to do by his resolution.

Mr. NORRIS. I will answer any question I am able to answer that I think is fair; but I am not going to stand up here and let somebody say, "Do you believe in this?" or "Is it going to rain to-morrow?" or "Are you this kind of a fellow?" and after I answer the Senator go right on. I am not a witness, and the Senator is not in court now examining a witness.

Mr. BRUCE. Mr. President, these interruptions are breeding a little acrid feeling between the interrupters themselves, and for the purpose of restoring harmony, I think I had better go on and complete my observations.

Mr. NORRIS. I am perfectly willing to answer any questions.

Mr. WATSON. I have to be through, because I can not get any answer.

Mr. NORRIS. The Senator can get an answer to any question he wants to propound, but he can not stop every two or three minutes and have me say "yes" or "no," and then ask another question. I will answer as I can, but will not have my answer put into my mouth.

Mr. BRUCE. I was almost through, anyway. I was simply going on to say that we ought not lightly to do anything that would tend needlessly to harass the great business interests of the country, or to excite undue apprehension and alarm in the minds of investors and citizens generally engaged in business. That ought to go without saying, though of course we do not hesitate, where we believe that real abuses exist, to adopt the proper method for unearthing those abuses and correcting them.

I am all the more positive in my opinion, perhaps, because of the fact that I have had some little measure of special experience in these matters, which lead me to believe that we should proceed in a regular way in dealing with them. From what I have observed there is a great difference between the final results when large business interests are treated justly and properly and when they are not treated properly.

Before the Public Service Commission of Maryland, for instance, was established, corporations had the feeling that they were not accorded fair treatment by the public and that this was especially true when they resorted to the legislature. The consequence was that they had very little confidence in the real public spirit and sense of justice of the legislature, and sometimes, in order to carry points which business necessity made it indispensable that they should carry, they would even adopt more or less forbidding methods for securing or defeating legislation.

Then came along our public service commission, which grants a full hearing to corporations whenever an abuse of any kind is alleged by the citizens, and the consequences have been most happy in every respect. The corporations are no longer harassed by legislative attacks as they used to be. They no longer feel that it is necessary to employ shady or illicit practices of any kind for the purposes of securing or frustrating legislation. They come before the public service commission, and all that they ask is justice; or, in other words, only what they ask from the courts.

When you treat a large business interest in any other way than that in which it is treated by a court or such an administrative tribunal as a public service commission you simply leave a sense of rankling injustice in the minds of its proprietors. Naturally, under those circumstances, it casts about for any effective device on which it can lay its hands for the purpose of carrying its objects into effect. If I may express myself in different terms, it proceeds to match its mind, its shrewdness, and its cunning with the mind, the shrewdness, and the cunning of the public, which are often by no means equal to the requirements of the competition.

So here, in cases of the pending kind, if you hold investigations after there have been hearings before a committee, and after some testimony has been taken evidencing the real existence of abuses, I think that not only will the fair-minded, impartial, disinterested public be better satisfied but the great business interests of the country, too.

That is all that I have to say on the subject. I intend to vote for the pending resolution and the amendment offered by the Senator from Nebraska; but I shall do so reluctantly, because I think that the adoption of the resolution and the amendment should have been preceded by testimony such as I have described.

Mr. KING. Mr. President, perhaps no Member of this body is more opposed to paternalism and to the intervention of the Federal Government in the affairs of the State or in private business than myself. And I sympathize with the position taken by the Senator from Maryland [Mr. BRUCE], as well as other Senators who have expressed opposition to the conference of authority upon Federal agencies to investigate business organizations of our country. It would indeed be a happy condition if corporations and those engaged in industrial pursuits were to so conduct themselves and so order their business activities as not to interfere with the rights of others or make inoperative the law of supply and demand upon which our economic system is founded.

If there were no unfair practices or unfair methods of competition in commerce, and if there were no monopolies and no combinations in restraint of trade, then the creation of Fed-

eral agencies to investigate and regulate the business activities of individuals and corporations would not only be unnecessary but perhaps most unwise and oppressive.

The growth of paternalism is to be reprobated, particularly in a Government such as this. Students of history appreciate the dangers resulting from the concentration of authority and power in the hands of Government. Our fathers devised a system which they believed would preserve individual rights and local self-government and at the same time vest in the National Government such power as would enable it to perform its functions. They were opposed to a unitary system such as Professor Freund believes is inevitable, and regarded the preservation of the rights of the States as indispensable to liberty and progress. They were familiar with the principles of political economy expounded by Adam Smith, and believed that the greatest industrial development, as well as the highest degree of liberty, would follow if his philosophy were applied in the economic affairs of the people of this Republic.

For a number of generations following the establishment of this Government there was but slight, if any, interruption of the natural laws of supply and demand, and trade and commerce, among the people of the United States. There was a wholesome condition in industry and in trade and commerce, and the competitive system brought rich rewards to all classes. The genius and initiative of the people were stimulated, and the ambition to succeed burned in the hearts of young and old, so that everywhere throughout the land there was progress and marvelous, indeed miraculous, industrial and material development.

Following the Civil War a number of industries in which great profits had been reaped under the protective system which the war had enforced, cooperated, if they did not combine, for the purpose of maintaining high tariff duties, and indeed for the purpose of increasing tariff exactions, as a result of which they could increase their profits and further exploit the people. They perceived that by combination the law of supply and demand could be interrupted to their advantage, and that by combining directly or indirectly competition would be weakened, if not destroyed, and their opportunities to reap inordinate profits materially augmented.

And so there developed a theory and a school of economics—I shall not call it philosophy, because philosophy implies at least some effort to approximate truth—which regarded the Federal Government as a vehicle by means of which special interests could enjoy privileges and benefits denied the mass of the people. And so efforts were made to introduce the pernicious system of tariffs and bounties and bonuses in various forms which would benefit the few at the expense of the many.

Legislation enacted by the Republican Party and dealing with revenue, tariff, taxation, and cognate subjects has often been discriminatory and has tended to create monopolies and prevent the free and natural flow of the law of supply and demand. As a result, combinations in restraint of trade have been formed; great corporations have arisen which have developed into monopolies so powerful as to destroy competition. Through various devices dislocations have occurred in the proper and normal business life of the people, and the channels of trade and commerce have been clogged and diverted to the injury of the great majority of the people.

Thousands of enterprises, legitimate and honestly conducted, have been crushed by the unfair methods of competition which have been employed by huge combinations whose ruthless course brought serious consequences and evil results in our domestic and industrial life.

So powerful were some of the monopolies and trusts which were developed that the people demanded legislation to protect them from the destructive and devouring forces which were being developed in the business life of the people. The Sherman antitrust law was the outgrowth of conceded evils and in response to the demands of the people. If those engaged in business had been satisfied with reasonable profits and had pursued fair and honorable methods in their business activities, there would have been no law aimed at monopolies and combinations in restraint of trade.

Unfortunately, this law has not been enforced as it should have been. I have sometimes said that both political parties have been derelict in enforcing its provisions in order to protect legitimate industry and prevent the evils that must inevitably result when the law of competition is destroyed.

Mr. President, in my opinion a vigorous enforcement of the Sherman antitrust law immediately after its enactment and for a decade or two thereafter would have been of incalculable advantage to our country and have developed in a more normal and even way the industries of our country. Our industrial development has been spotted. There have been eruptions here and depressions there. There has been no proper coordination or uniform and rational development. Along the pathway of our economic life are numberless graves of enterprises and business concerns which were murdered and indecently buried by crooked combinations and predatory interests.

I do not believe the American people are opposed to big business, providing it is honest business, but there are too many evidences that some business enterprises have reached their great heights of power by ruthless, oppressive, and illegal methods. The Clayton Act was passed to supplement the Sherman law and to afford greater protection to honest business, but nothwithstanding these measures monopolies were formed and capital was massed in such fashion as to interfere with the business activities of thousands of American citizens. It is known that there are corporations of enormous wealth, controlling hundreds of millions of assets and powerful enough to dominate the field in which they operate and to destroy any person or corporation who has the temerity to run counter to their purposes. We know that many business concerns exist by permission, by the grace of great corporations, who smile upon them indulgently and assume a friendly and patronizing air for the purpose of keeping up the fiction that there is competition.

Mr. President, there is a feeling abroad in the land that many industries are absolutely controlled by combinations, and that the economic life of the people is threatened by the growing power of massed capital. This sentiment is at the bottom of some of the socialistic and paternalistic manifestations which we almost daily witness. Persons who look with deep concern upon Federal usurpation and upon the control of business by executive agencies are reconciled to projected measures which seek the regulation and supervision of various industries. They fear that with the destruction of the law of supply and demand and the overturning of our competitive system, which they assert is rapidly approaching, wealth will become so powerful that it will dominate the Nation, control its legislation, and bring industrial slavery to the people. This fear induces many patriotic citizens to give their support to visionary and unwise policies. This fear accounts for the demands so often made that the Federal Government engage in various lines of industry and regulate and control corporations and business organizations, particularly where they have grown to any considerable proportions.

Mr. President, in my opinion, if special privileges are not granted by legislation, if the course of our Government is such as to convince the people that equal and exact justice is the right of all, and that that right will be maintained, then there will be no fertile field for socialism in our country. It is known that much of our tariff legislation is dictated by sinister and predatory interests, and that huge fortunes have resulted from legislation which enabled many corporations to exploit the people.

When the McCumber-Fordney tariff bill was under discussion in the Senate and the attention of Republican leaders was challenged to the high rates carried in the bill, the chairman of the Finance Committee, ex-Senator McCumber, in effect admitted that the schedules would permit many industries to charge extortionate prices and make unconscionable profits. He appealed to the beneficiaries of the proposed legislation to use the power which the bill would give them in a temperate and fair manner. It seemed to me then—and I think I so stated—that it was like baying at the moon to indulge in the appeal which fell from the lips of the chairman of the committee. Certainly the protected interests have treated with disdain and contempt the piteous appeals which were then made. Prices have been advanced and enormous profits have been made. The great mass of the people have been the victims of this unjust and discriminatory legislation. A lion would be as indifferent to the bleatings of the lamb as the tariff barons have been to the appeals of the people. The lion has devoured the lamb, and the great protected interests of our country, particularly those controlled by the monopolies and combinations in restraint of trade, have plundered the people and are now casting about to advance prices and to increase their swollen fortunes.

Mr. President, it is this situation which produces discontent among the people. I repeat that the American people, if they believe that they are getting a square deal, will make no complaint no matter what misfortunes overtake them.

It is all very well to talk about political and religious liberty. There must be industrial and economic liberty. Political inequality is bad enough, but inequality which results from an unjust economic system, which robs the many to enrich the few, which creates great chasms in the social life of the people, will produce not only discontent, but hostility to the Govern-

ment itself. It will be the parent of movements sinister and dangerous to the integrity of the Government. This is a mere truism. The pages of history are full of illustrations demonstrating the truth of this statement.

With the growth of education and the march of civilization there must be more of industrial equality and more of social solidarity. This is not socialism, nor does it mean paternalism. The principles of justice and of morality are known to the American people. They must be applied in our political and in our economic life. If corporations and individuals form conspiracies in restraint of trade, if monopolies are permitted to develop and destroy competition, then there will come an irresistible demand for legislation to redress the real or fancied evils.

Upon a number of occasions I have stated that the business interests of the United States hold in their own hands the forces which will make for industrial and political peace or industrial and political strife. The American people will not tolerate oppressive monopoly. They regard it as indefensible and as an enemy to the liberty of the people.

Mr. President, the tremendous power of various combinations in the United States—combinations acting in the industrial and business world—was perceived by the people, and they were dissatisfied with the pernicious activity of these combinations which injured small business, and as if by the law of gravitation tended to draw the wealth of the country under the control of a limited few.

For the purpose of rectifying this situation the Federal Trade Commission was created under the act of September 26, 1914. It was believed that the proper administration of this law would bring beneficent results and tend to curb the growing power of illegal combinations. It was declared in the act that unfair methods of competition and commerce were unlawful, and the commission was directed to prevent the employment of "unfair methods of competition in commerce." Under this law the commission was authorized, whenever it had reason to believe that unfair methods of competition were employed, to proceed against the individuals or corporations whose course was regarded as improper. They were also authorized to receive complaints from individuals and to act upon such complaints for the purpose of preventing the evils against which the statute was aimed. The commission was also authorized, when directed by either House of Congress or the President, to investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation.

It is not my purpose to examine this act or to show its scope or comprehensiveness. It is clear, however, that it authorizes the investigation called for by the resolution now under consideration. It is the view of some that there is an Electric Trust in the United States, that there is a gigantic organization which controls the electric power of our country, as well as the production of the equipment, fixtures, and appliances used in nearly every home of the land, for the purpose of utilizing electric energy. The Senator from Nebraska has offered this resolution, as I believe, in good faith, and because he believes that a situation exists which calls for correction. I regret that there are evidences which justify this belief. I should be glad if the facts were such as to repel the thought that a combination or monopoly exists of the character referred to in the resolution or of any other character. But, unfortunately, Mr. President, the industrial situation of the United States furnishes conclusive evidence that there are many illegal organizations, many combinations which are restraining trade and throttling competition and applying unfair methods of competition in the fields of commerce.

I regret that the Department of Justice has been so inert and has looked with so much apathy and complacence upon the ravages wrought by monopolies and criminal industrial activities. The Senator from Pennsylvania [Mr. REED] has just stated that the Department of Justice is making an investigation of the so-called Power Trust. As to that I do not know, but we do know that that department has not properly functioned and has instituted but comparatively few suits to enforce the Sherman antitrust law as well as the Clayton Act.

We have been advised that the Federal Trade Commission has supplied the Department of Justice with conclusive evidence of numerous violations of the statutes to which I have just referred; and we also know that but few, if any, of the cases reported by the Federal Trade Commission to the Department of Justice for prosecution have been proceeded against. My information is that the statute of limitations has run in a number of instances, so that the penal provisions of the statute can not be enforced, no matter how grievous and criminal were the acts of the organizations complained against.

Perhaps no other department is of so much importance as the Department of Justice. I am anxious that it shall have the confidence and esteem of all the people. I believe it should more actively cooperate with the Federal Trade Commission, and utilize such evidence and data as may be furnished it by the commission, for the purpose of enforcing the Sherman antitrust law and the Clayton Act in cases where their provisions have been violated.

There has been considerable propaganda against these acts, and the opinion is quite prevalent that they have failed to accomplish the objects for which they were designed. Mr. President, I should regard the repeal of these acts as very unwise. Such a course would invite demands for legislation which would be inconsistent with our form of government. We must preserve the law of supply and demand and the competitive system in our industrial life or we will be driven to Federal control—drastic, enervating, destructive of private enterprise, and of our industrial supremacy. I have supported a number of resolutions calling for investigation of alleged violations of the Sherman law, and policies more or less paternalistic, which sought to curb special interests and illegal combinations, because I believed that if wealth were permitted to be massed so as to control the industries of our country and pursue a ruthless and destructive course, culminating in the annihilation of the small business man and the less important factors in our economic life, legislation would be inevitable that would embark our Government upon socialistic schemes of a most deadly character. While I dislike Federal interference in the lives and business affairs of the people, it were better to submit to such interference as is contemplated by the Federal Trade Commission and the Sherman antitrust law, than to invite or permit an industrial situation which would eventuate in drastic Federal control of private enterprise, or perhaps governmental ownership of many of the industries of our country. If those engaged in great business enterprises were wise, they would preserve the competitive system and apply the principles of justice and fair dealing in all of their movements and activities.

Mr. HARRISON. Mr. President, I know little about the General Electric Co. I have never met its president or any of its officers or any of its employees, so far as I know. But it seems to me that it is somewhat unfair that the Senate of the United States should pick out the General Electric Co. for an investigation when perhaps the same conditions and the same facts might apply to some other power company. About all that I know with reference to the General Electric Co. is that it has made great strides as a business institution—that it has been the means in many instances of carrying hydroelectric power to welcomed localities, that it has done much toward developing those localities, and that it has added greatly to the enjoyment of peoples in far-away places, as well as crowded cities, in the development and extension of the radio. There is not a locality in the whole country to-day that is not anxious to obtain power. They want nothing done that will hamper or retard power development. Of course, they desire the development to be made along rational lines, and the rights of the consumers and the general public to be safeguarded. But the injustice and unfairness of this resolution is that it proposes to investigate only one company, the General Electric Co., while the Westinghouse Electric Co., one of its competitors, and some other power companies, also its competitors, remain untouched from the investigation. The stocks of all other companies may stay up; indeed they may even rise as a result of the action of the Senate; but the stockholders, innocent as in thousands of cases they are, of the General Electric Co., small or large as they may be, are to be injured by the action of the Senate. If we are going to have an investigation of a so-called power trust in this country we ought not deliberately to do injustice to one concern. We should treat them all alike and deal with them in like manner. That is my first objection to the pending resolution.

There is not a community in my State, and I imagine the same conditions prevail in the other States, that does not desire a power company to come there to try to give to the people cheap power. Resolutions are coming to me all the time and letters are appealing to me to do all that I can to have Muscle Shoals developed in order that power may be transmitted to those communities. There has been a great fight as to whether or not at Muscle Shoals we shall manufacture fertilizer or develop and transmit power. I say that the country wants these great water-power resources developed, and developed to the highest degree of efficiency. We want our water power conserved. We want these great electrical concerns and others to prosper so they can go into the

various undeveloped communities and there develop power and transmit it to the people.

If there is a "trust" about this matter, I do not know, but I can understand that the General Electric Co., or the Westinghouse people, or any power company might be in a different situation from the ordinary trust if there is a trust or monopoly involved. The General Electric Co., when it comes to transmitting the power in a State, is subject to the public service commission of that State.

If the rates are too high the fault is with the people who have elected the members of the public service commission to office and who are empowered under the law to regulate the rates. That is not true with respect to the ordinary trust or monopoly. Generally they do not perform a public service function. They are not subjected to regulation by public service agencies. Power companies are. So I submit that if we are going to investigate the Power Trust we ought not to pick out just one concern, but we should take them all in and make an honest and thorough investigation.

If an investigation is made certainly it seems to me that we are doing almost an unprecedented thing when we pick out one concern and say to the President that he shall authorize the Secretary of the Treasury to turn over the books of the Treasury Department to enable the Federal Trade Commission to investigate everything about every stockholder, and every security holder. I submit that there is not a fact that might be desired, if the Senate should adopt the resolution, that the Federal Trade Commission could not get from an investigation of the books of the General Electric Co., or some other company if we follow out the investigation through the subsidiary companies. The resolution gives full power to investigate the General Electric Co. and its subsidiary companies. But let us not fall into the error of authorizing an investigation into every stockholder, whether he owns one, or two, or ten thousand shares, and every security holder, whether he owns one bond, or ten thousand bonds. That is going quite too far. For my part I expect to vote for the amendment offered by the Senator from Indiana [Mr. WATSON] to strike out the provision that would enable the investigation to go to every stockholder and every surety holder that might own some of the securities of these companies.

Mr. FESS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. HARRISON. Certainly.

Mr. FESS. The consensus among some of the friends of the legislation was that the Federal Trade Commission had the authority to go ahead and investigate without special legislation. We find that the Federal Trade Commission, according to the original act, was authorized to investigate partnerships, corporations, and so forth, except banks, common carriers, and so forth. The pending resolution is broad enough to enable them to investigate banks. Therefore it was thought wise to cut it down, which has been done.

In relation to the effort to include stockholders in the investigation I want to ask the Senator from Mississippi this question: If a bank holds any stock in the General Electric Co., will not this resolution permit the investigation to follow that stock and thus permit an investigation of the bank?

Mr. HARRISON. I do not think there is any doubt about it that it would permit an investigation of the stockholder or security holder, whether that stockholder or security holder be a bank or private individual. We would open up the whole proposition by that provision. We will, by such a provision, subject every individual into untold embarrassment as well as harassment.

Mr. FESS. I think that is very true.

Mr. WATSON. Mr. President, this is not a new question. Having spoken two or three times on it, I rise now only for the purpose of bringing attention to an investigation hitherto made of like character and along similar lines. There is no charge of any violation of the antitrust law by any individual stockholder of this corporation, nor can any such charge be alleged. This same question was brought up in the Supreme Court in the case of Federal Trade Commission *v.* The American Tobacco Co. (264 U. S. 298).

The commission in that case undertook to make an investigation with respect to the tobacco business following a resolution of the Senate. In affirming the denial of petitions for writs of mandamus to compel the disclosure of certain records of the defendants, the Supreme Court held, in substance, that the Federal Trade Commission act did not authorize investigations for the purpose of finding out whether or not a crime had been committed. From pages 305 and 306 I have copied the language of the Supreme Court in deciding this case, and here is what the court said:

> Anyone who respects the spirit as well as the letter of the fourth amendment would be loath to believe that Congress intended to authorize one of its subordinate agents to sweep all our traditions into the fire (Interstate Commerce Commission *v.* Brimson, 154 U. S. 447, 479), and to direct fishing expeditions into private papers on the possibility that they may disclose the evidence of crime. * * * The interruption of business, the possible revelation of trade secrets, and the expense that compliance with the commission's wholesale demands would cause are the least considerations. It is contrary to the first principles of justice to allow a search through all the respondents' records, relevant or irrelevant, in the hope that something will turn up.

That is precisely the situation in this case, and that stands as the decision of the highest tribunal in this land on the very question involved in the pending controversy.

Mr. NORRIS obtained the floor.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. NORRIS. I yield.

Mr. CARAWAY. I merely wish to say a word or two with reference to the pending amendment which seeks to strike out the provision for the investigation of stockholders and subsidiary companies of the General Electric Co. I was impressed that some Senators seemed to think that under that provision the Federal Trade Commission could go into the private affairs of holders of stock. If that language should remain in the resolution the only investigation that the Federal Trade Commission could make, so far as the holder of stock is concerned, would be to ascertain whether or not the stock was being held and manipulated to further a monopoly. It could no more investigate a bank as a bank than it could investigate King Tut's tomb. It has absolutely no reference to the private business of the citizen at all or of the institution that may hold the stock. It is only to ascertain whether or not through stock ownership or control such an institution or an individual may be cooperating in some movement to foster a monopoly in the manufacture, distribution, or use of power; that is all. It should be perfectly obvious to anyone who will consider the resolution for a moment that it does not go beyond that. If we are going to investigate the General Electric Co., and provide at the same time that there can not be investigated any subsidiary or any stockholder or any company that is moving in a common purpose with it, we had as well not have an investigation at all, because the commission would be limited merely to asking the company how much stock it had outstanding and what it is doing with it; and we could get that information from any trade journal.

Mr. NORRIS. Mr. President, the Senator from Arkansas has completely answered the argument just made by the Senator from Indiana [Mr. WATSON]. If one will read the resolution he will see what the investigation is for; namely, for the purpose of ascertaining whether the General Electric Co., either directly through a subsidiary or its stockholders, is maintaining a monopoly, as stated by the resolution—

> in which the said General Electric Co. has acquired and maintained such monopoly or exercises such control—

How?

> in restraint of trade or commerce and in violation of law.

Mr. President, it is unnecessary for Senators to become so fearful lest there be some publicity of stockholders using their stock for the purpose of a monopoly in violation of law and in restraint of trade. Do not go into hysterics for fear those poor stockholders are going to be ground down into the earth by this cruel, heartless investigation. If the stock of the General Electric Co. or of any of its subsidiaries is being used for the purpose of maintaining a monopoly contrary to law and in restraint of trade, then we ought to know it; and that is all which this investigation calls for on that point.

Now I wish to answer the Senator from Mississippi [Mr. HARRISON], and I have only to refer to the chronological order and the sequence of events that have taken place in the case of this resolution to give him a complete answer. The Senator from Mississippi has stated that we have picked out the General Electric Co. and propose to investigate it.

Mr. HARRISON. If the Senator will yield to me, I desire to say the Senator's original resolution did not do that; it proposed to investigate the whole power proposition.

Mr. NORRIS. That is just what I am going to tell the Senator.

Mr. HARRISON. But the committee has reported a substitute which picks out one organization.

Mr. NORRIS. That is what I am calling the Senator's attention to. I have some sympathy with the argument made on that point by the Senator from Mississippi. When I introduced the resolution it was general; the General Electric Co. was not mentioned by name; neither was any other company. I think that is the way we ought to investigate. I did not want to pick out any one company. But what was the first objection? The objection came from all over the Chamber, "It is too drastic. If you are after the General Electric Co., let us name them and investigate them," because most of the evidence that I had adduced here pertained to the General Electric Co.

So the Senate referred the resolution to the committee. I acquiesced in that action on the advice of Senators who said, "We want this investigation to take place; we believe you are right; but it is too broad; let us confine it to the General Electric Co." So, I repeat, I acquiesced in that suggestion. The committee made a report on that line. Now comes the objection, "Why, you are picking out the General Electric Co., this pauper; you are making an example of them. Why do you not make the resolution general?" I want to call the attention of my friends in this body who importuned me to agree to that change to the present situation. The objection is now made that it is not general, and when it was general the objection was made that it was too general, that it ought to be confined to the General Electric Co.

That is the kind of opposition the resolution has met in the Senate. How much of it is in good faith, how much of it is to whip something around the stump instead of going directly at it I do not know. I find no fault with the Senator who opposes any investigation; he has a perfect right to have that opinion, but usually when such resolutions come before the Senate this kind of procedure goes on. It is said, "Let us not be too severe here." Then when the mover of the resolution accepts an amendment comes back the objection, "Why have you not done just what you proposed to do at the beginning? I am against your resolution. It is confined to one corporation; I want the whole thing stated in general terms." When I state it in general terms, then comes the other objection, "Why, let us confine it to one and not make it general."

Mr. President, it is reiterated here, particularly by the Senator from Indiana, that this resolution directs the Federal Trade Commission to investigate 30,000 individual stockholders. It does not do anything of the kind; the commission will not go into that. Some of the Senators may not have been here when I offered to amend the provision, and I wish to state that offer again. If the Senator is afraid that is going to happen, and that many of those who merely own a little stock are going to be annoyed or bothered in any way, I have offered to add an amendment to the resolution if the Senator will withdraw the amendment which has been offered to strike out the entire provision. My amendment is to put in the words "owning a substantial amount of stock or other securities," so as to read:

> That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the Senate to what extent the said General Electric Co., or the stockholders or other security holders thereof, owning a substantial amount of stock or other securities, either directly or through subsidiary companies * * * has acquired and maintained such monopoly or exercises such control in restraint of trade or commerce and in violation of law.

If Senators are afraid that some man or woman owning merely a small amount of stock and having no influence in the control of the corporation will be annoyed, I suggest that the amendment I have indicated will remedy that situation. I am not afraid of what some Senators seem to fear, because, as I have said, no sane investigation is going to take up questions of that kind unless there is some indication of the stock being used for the purpose of a monopoly contrary to law and in restraint of trade. But if Senators are afraid of it, let us put those words in. I am perfectly willing to put them in. No one is more anxious than I that the man who is not using this stock for any illegal purpose shall not be annoyed, but, as I said before—and I wish to repeat the statement, because some Senators did not hear me say it—if the Federal Trade Commission can not investigate stock that is being used for this illegal purpose, it permits the Electric Bond & Share Co. to escape investigation entirely.

That company a few months ago was the largest subsidiary of the General Electric Co. Every dollar of its stock was owned by and was in the treasury of the General Electric Co., but since the debate in regard to this matter has been made public they have distributed every dollar of that stock among the stockholders of the General Electric Co.; so that company, as a company, does not own a dollar of it. Therefore if the commission can not investigate stock ownership that is being used for an illegal purpose, then all of that escapes.

I wish to say to the Senate that I have here on my desk—and I have already put it in the RECORD—a list of the subsidiaries of the Electric Bond & Share Co. There are hundreds of them scattered all over this country, and, indeed, in various foreign countries. It is the greatest one means that the General Electric Co. has through which to monopolize and control electricity in this country, and if the commission can not investigate stock ownership being used for the purpose of monopolistic control, then they have escaped entirely, and 75 per cent of the good that would come from the proposed investigation would be gone, and gone forever.

Why are we so afraid, Mr. President? Why is it that we fear that some few people owning a few shares of stock, one share or two shares, are going to be brought across the country and put on the witness stand and subjected to maltreatment and abuse and investigation? It is all in your minds, Senators; there is not anything to it. If those people are scared, they are scared because Senators have given them reason to be scared by giving publicity to that kind of talk. If you want to protect them, and if you think this does not protect them, then vote down the motion of the Senator from Indiana and I will offer the amendment that I have read.

Mr. WADSWORTH. Mr. President, will the Senator yield before he gives up the floor?

Mr. NORRIS. Yes.

Mr. WADSWORTH. Would not the Federal Tade Commission have complete authority under this resolution to investigate the subsidiary to which the Senator has just alluded—the Electric Bond & Share Co.—as the result of the use of the language commencing near the bottom of line 4 and continuing on line 5:

> Either directly or through subsidiary companies, stock ownership, or through other means or instrumentalities.

Mr. NORRIS. They might have.

Mr. WADSWORTH. Is it not certain that they would have?

Mr. NORRIS. Let us assume that they would have. I want the Senate to listen to me on this point, because I am in earnest about it. I do not want to perform a farce here. Let us assume that the Senator from New York is right. Then why strike out this language that directly includes the stockholders? If they have the same authority with that language out as they have with it in, then why take it out? If it were not in, you might say, "Why put it in?" and the argument, I think, would be good then; but when you once have it in, and you take it out, what might a court do?

Suppose we take it out, and the resolution is then passed, and the Federal Trade Commission begin an investigation, and they undertake, through the language read by the Senator—which would still be in the resolution—to make an investigation through stock ownership, and an injunction is obtained against them, and the parties obtaining the injunction say that it was not the intention of the Senate that any such investigation should be had.

Suppose, then, that the court takes the RECORD of the Senate, reads the debate, and says, "Why, that was one of the crucial things that was at issue; and the Senate decided, by supporting the motion of the Senator from Indiana, that an investigation through stock ownership should not take place. Therefore, even though there seems to be other language that gives the same authority," they would say, "that was the intention of the Senate. The injunction is sustained. You can not investigate any stock ownership"; and hence all those monopolies, if there be monopolies that are maintained through stock ownership, would escape entirely.

I will say to the Senator from New York that it is not only the Electric Bond & Share Co. that is involved. As I said a while ago, when the Senator was not in the Chamber, upon information that I believe to be reliable I state that through stock ownership there is an understanding that goes all over the country between the General Electric Co. and the Westinghouse Co. I am told, on what I believe to be reliable authority, that there are many large stockholders in the General Electric Co. who are large stockholders in the Westinghouse Co.; and if we are not going to investigate monopolies brought about by the ownership of stock, then that would escape entirely. So the Senator from Mississippi, who wants to make it general, to be consistent ought to vote against this motion, because this is the language in the resolution that tends to make it general more than any other language in it.

Mr. UNDERWOOD. Mr. President, I shall detain the Senate only a moment by what I have to say about the measure that is pending. The only reason why I say anything at all is because I want my vote to be understood.

In the last few years I have voted for a great many investigations. As a general rule, very little comes out of them. Therefore I am not so keen about investigations. On the other hand, I think public-service corporations that are supposed to be governed by public-service laws are not so amenable to investigations, or it is not so necessary to investigate them as those corporations that are not governed by public-service laws; but I want to say this in reference to my vote on the amendment offered by the Senator from Indiana [Mr. WATSON]:

To my mind it is perfectly clear that if there is any monopoly in violation of the antimonopoly laws of this country in the case of these electric companies it must be through stock ownership. It must be through cooperation of various companies in the country. This commodity is not sold as flour and wheat are sold. In the community to which electricity is sold it must of necessity be sold over one wire. It would be a waste of public service to put in two wires. Therefore, of course, if there is any monopoly existing, it must be through coordination and cooperation of a large number of companies controlled by one influence. So my viewpoint is that the resolution offered by the Senator from Nebraska means nothing if one of these companies is going to be picked out and investigated. There can not be any monopoly on the part of that company, because there is nothing to monopolize. If there is any monopoly existing, it must be through coordination of effort by a number of companies.

As I say, I am not very keen about these investigations. I do not object to them. I have voted for most of them. I doubt very much, if the Senator's resolution passes—as I suppose it will—whether it will produce much result; but I am not going by indirection to vote to destroy his resolution, as I think I would do if I should vote to strike out the investigation of a coordinated effort on the part of the electric companies throughout the United States to control this situation.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. UNDERWOOD. Yes.

Mr. KING. The Senator, as I understand him, seems to assume that the resolution of the Senator from Nebraska asks for the investigation solely upon the ground that a monopoly exists. Does not the Senator think that one corporation may be a monopoly? And, if that question should be answered in the negative, does not the Senator think that one corporation could be guilty of unfair methods of competition in commerce which the act creating the Federal Trade Commission declares to be unlawful, and, therefore, justify an investigation?

Mr. UNDERWOOD. I think it could outside of the electrical business, but I do not see how it could when electricity is sold. As I said in the beginning, if it were a case of selling pig iron or steel rails or flour, yes; we might find a monopoly or an unfair method existing in one corporation. Of necessity, however, when we come to the sale of electricity, it is sold over one wire, and unless there is a coordinated effort to prevent competition by a number of companies you have nothing. Therefore, as I say, I am not keen about these investigations, because, as a general rule, I do not think we get anywhere with them; we spend a lot of money, and we do not do anything; but it seems to me that if I vote in favor of the amendment offered by the Senator from Indiana, I am simply seeking to take the real provision for investigation out of this resolution. If I make up my mind to try to defeat the resolution, I am going to do it by a direct vote. I am not going to do it by trying to cut out what it seems to me is the only thing we could investigate.

That is all I wanted to say.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Mississippi will state the inquiry.

Mr. HARRISON. A motion to strike out and insert has preference over a motion to strike out; has it not?

The PRESIDENT pro tempore. Ordinarily.

Mr. HARRISON. I desire to offer an amendment to the motion of the Senator from Indiana, to strike out and insert.

The PRESIDENT pro tempore. The Secretary will state the proposed amendment.

The READING CLERK. It is proposed to amend by striking out on lines 3 and 4, after the word "extent," down to and including the word "thereof," and to insert "power companies."

Mr. HARRISON. Of course the object is to investigate not only the General Electric Co. but other power companies. I may say that if that amendment should be adopted, of course we would have to change the preamble and change the latter part of the resolution.

Mr. NORRIS. Mr. President, I make the point that the Senator's amendment, as I understand it, is an amendment to the amendment of the Senator from Indiana, and is in the third degree, and consequently out of order. The Senator's amendment is already in the second degree. If it is an amendment to the balance of the text, it ought to wait until we dispose of this one.

Mr. HARRISON. I think this amendment has priority over the amendment offered by the Senator from Indiana, because it is a motion to strike out and insert.

Mr. NORRIS. I could not get, from the reading of the amendment, just where it comes in.

Mr. HARRISON. It strikes out everything in lines 3 and 4, after the word "extent" in line 3, down to and including the word "thereof" on line 4, and simply inserts "power companies," so that the investigation is not confined merely to this one particular company, but extends to other power companies.

The PRESIDENT pro tempore. The Secretary will state the proposed amendment as it would read if the amendment of the Senator from Mississippi were agreed to.

The reading clerk read as follows:

Resolved further, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the Senate to what extent power companies, either directly or through subsidiary companies, stock ownership, or through other means or instrumentalities, monopolize or control the production, generation, or transmission of electric energy—

And so forth.

Mr. DIAL. Mr. President, I am not strong on these investigations, because as a rule I think we might employ our time to a little better advantage in passing some much-needed legislation. If my recollection serves me right, a few years ago we investigated the operation of the coal mines of the country. I opposed that at the time. A long investigation was had. My recollection is that it cost the Government something like $600,000, and the result was that the price of coal to the consumer was put up. I think such results usually follow investigations.

Some time ago the Senate passed a resolution to investigate cotton dealings. The Federal Trade Commission, after working two years, made a final report, and that report has been lying on the desks of Senators now since early last session, and nothing has been done.

Now it is proposed to investigate the General Electric Co. I know but little about the General Electric Co.; I know but little about any other big power company; but in my section of the country the development of our streams has done more to give employment to our people and to make living happier and easier and to produce wealth than perhaps all of the other enterprises combined. We welcome capital to come down and develop our streams. The water has been tumbling down the mountains there since the earth was created. We are burning up coal. We should like to turn this water into electricity and thereby save the coal for future generations and add to the wealth of our section.

This development is in its infancy. I well remember when it was seriously doubted whether we could transmit electricity any distance. When first developed I believe it was carried only 2 or 3 miles, and that was considered a great curiosity in those days. Now we transmit it many hundreds of miles.

The proposed investigation would be made at enormous expense to the companies, which would, of course, be borne by the stockholders. As has already been said, we have a Department of Justice and a Federal Trade Commission, instituted to look into these matters upon proper presentation, and if there is anything these companies are doing which would be to the detriment of the public, those institutions can act.

Furthermore, all the States, I believe, have public-service commissions which can regulate the fixed charges of such corporations, if there is great oppression of the people on account of rates. It seems to me that is sufficient protection. Not only that, but, as the Senator from Alabama has said, competition in the sale of electricity, where you have to sell the commodity within a short distance of where it is generated, is not like that in any other commodity. So, if the General Electric Co. or any other electric company owned every water power in Massachusetts or in Maryland, for instance, they would not come in competition with the smallest owner or developer of water power. It is not like something that can be manufactured and sold in the open market. It has to be used within a reasonable distance of the place where it is generated. Therefore it does seem to me that there is less

excuse for investigating an enterprise of this kind than for the investigation of almost any other enterprise that might cause monopoly in the country.

So, to my mind, this amendment is unnecessary. It would be a long time, probably two years, before we could get a report, and I do not believe that it is the function of the Senate to investigate all business enterprises where some accusation is made. I believe we should only investigate where it is essential to get information to be a basis for proper legislation, and I hope the resolution will be defeated.

Mr. SMITH. Mr. President, before a vote is taken on the amendment offered by the Senator from Mississippi [Mr. HARRISON] to the amendment, I want to say a word.

I hope the amendment to the amendment will be voted down, for the reasons stated by the Senator from Maryland [Mr. BRUCE], which, I think, are sound. We have no right to institute an investigation merely on rumors. There should be some specific allegation upon which to base an investigation of any business transaction. That was the ground the committee took, and that was why it insisted that the broad scope of the original resolution offered by the Senator from Nebraska should be narrowed down to the particular company or corporation against which specific charges were made.

We went so far as to send to the Department of Justice and to have a representative of that department come before us. We made inquiry as to whether or not they are proceeding against this corporation, and we find that they are. There is a case now being tried in Cleveland in reference to the monopoly in electric-light bulbs, the claim being that the department has information leading them to believe that, though the investment of the General Electric in the manufacture of bulbs is only 20 per cent of their total capital, yet the profit from the sale of bulbs is 64 per cent of the entire income of the corporation. Suit has been instituted for the dissolution of a combination in control of the electric-bulb business owned and controlled by the General Electric.

The committee believed that, in view of certain matters brought before us by the Senator from Nebraska in connection with his resolution and other allegations, we were justified in reporting a resolution specifically invoking the Federal Trade Commission's activity in looking into the matter to determine whether the General Electric were guilty of practices that were unfair and also in violation of the antitrust law.

If we attempt to blanket every company in America, even though there is no specific charge against it, we weaken the resolution and possibly endanger its passage, because we have no right to invoke an investigation by this department of the Government when no charge whatever is laid against any of these companies, so far as I have been made aware.

We of the committee took particular pains to base our favorable report upon justifiable grounds. I hope the amendment to the amendment will be voted down.

Mr. NORRIS. Mr. President, has the Chair decided which motion to amend is the pending one? The Senator from Mississippi [Mr. HARRISON] offered an amendment when the Senator from Indiana [Mr. WATSON] had one pending.

The PRESIDENT pro tempore. The Chair is of the opinion that the motion to strike out and insert has precedence.

Mr. NORRIS. Then the pending question is on the motion made by the Senator from Mississippi to amend my amendment.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Mississippi to the amendment submitted by the Senator from Nebraska as modified.

Mr. NORRIS. Upon that I want to be heard just a moment. No good can come, to my mind, by asking Senators who want a real, honest investigation to jump back and forth, riding a horse one way around the ring and getting off and getting on another.

I started out with the general proposition, and I would rather have that. If the amendment now pending shall be agreed to, the measure will not be that reported by the committee. The committee, after consulting with me and after talking the matter over and having some hearings, decided to narrow my investigation, and they reported a resolution, which I accepted and which the Senate has been considering all this time.

The Senator from Mississippi now offers an amendment which, if agreed to, will strike out the very words which the Senator from Indiana seeks to strike out by his amendment. If that motion is agreed to, there will be no need of the amendment of the Senator from Indiana, because it is included in the motion of the Senator from Mississippi.

I want to commend the statement of the Senator from Alabama [Mr. UNDERWOOD], that while he might be opposed to an investigation he does not want to have it emasculated if there is one.

Mr. UNDERWOOD. I have not said that I am opposed to it. I have the right to vote one way or the other, but I say that if we are to have one I want to be able to vote properly on it.

Mr. NORRIS. I think that is what the Senator ought to do. It seems to me that is the fair thing to do. If one is opposed to an investigation—as he has a perfect right to be—let him vote against my entire amendment, and I shall have to accept the result. But let us not have it emasculated. Do not pull 75 per cent of its teeth out by adopting the amendment offered by the Senator from Indiana or the amendment offered by the Senator from Mississippi, either one of which will do that.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Mississippi to the amendment of the Senator from Nebraska.

Mr. WATSON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH. This is now a direct vote on the amendment of the Senator from Mississippi?

The PRESIDENT pro tempore. It is.

Mr. BINGHAM. Will not the Chair state the amendment?

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Mississippi [Mr. HARRISON] to the amendment proposed by the Senator from Nebraska [Mr. NORRIS]. It will be read.

The READING CLERK. It is proposed to strike out, in line 3, after the word "extent," the words "the said General Electric Co. or the stockholders or other security holders thereof" and to insert "power companies," so as to read:

Resolved, That the Federal Trade Commission be, and is hereby, directed to investigate and report to the Senate to what extent power companies, either directly or through subsidiary companies—

And so forth.

The PRESIDENT pro tempore. The yeas and nays have been ordered on agreeing to the amendment to the amendment, and the roll will be called.

The reading clerk proceeded to call the roll.

Mr. WALSH of Massachusetts (when his name was called). I have a general pair for the day with the junior Senator from California [Mr. SHORTRIDGE]. Therefore, I am not at liberty to vote.

The roll call was concluded.

Mr. SMITH (after having voted in the negative). I have a general pair with the Senator from South Dakota [Mr. STERLING]. In his absence I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and let my vote stand.

Mr. HARRISON. I desire to announce the absence of the Senator from Rhode Island [Mr. GERRY] on account of illness.

Mr. JONES of Washington. I wish to announce the following general pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. OWEN] and

The Senator from New Jersey [Mr. EDGE] with the Senator from Mississippi [Mr. STEPHENS].

The result was announced—yeas 21, nays 56, as follows:

YEAS—21

Ball	Edwards	Metcalf	Spencer
Bayard	Fernald	Moses	Wadsworth
Bingham	Fletcher	Phipps	Watson
Broussard	Hale	Ransdell	
Bursum	Harrison	Reed, Pa.	
Butler	McKinley	Robinson	

NAYS—56

Ashurst	Ernst	Kendrick	Reed, Mo.
Borah	Ferris	Keyes	Sheppard
Brookhart	Fess	King	Shipstead
Bruce	Frazier	Ladd	Simmons
Cameron	Glass	McKellar	Smith
Capper	Gooding	McNary	Smoot
Caraway	Harreld	Means	Stanley
Copeland	Harris	Neely	Swanson
Couzens	Heflin	Norbeck	Trammell
Cummins	Howell	Norris	Underwood
Curtis	Johnson, Calif.	Oddie	Walsh, Mont.
Dale	Johnson, Minn.	Overman	Warren
Dial	Jones, N. Mex.	Pittman	Wheeler
Dill	Jones, Wash.	Ralston	Willis

NOT VOTING—19

Edge	La Follette	Owen	Stephens
Elkins	Lenroot	Pepper	Sterling
George	McCormick	Shields	Walsh, Mass.
Gerry	McLean	Shortridge	Weller
Greene	Mayfield	Stanfield	

So Mr. HARRISON's amendment to the amendment was rejected.

Mr. WATSON. I now offer the amendment which I have hitherto offered, namely, on page 3, lines 3 and 4, to strike out the words "or the stockholders or other security holders thereof." On that amendment to the amendment I call for the yeas and nays.

The years and nays were ordered.

Mr. HOWELL. Mr. President, if the amendment just proposed is agreed to, the resolution as presented to the Senate by the Interstate Commerce Committee will be emasculated. It will mean merely an investigation of the General Electric Co. The General Electric Co. and those who control it maintain monopolies in various lines through, it is believed, stock pools and holding companies. If we are unable to go into the stock ownership of the General Electric Co., we will not find that there is any monopoly, but if we do go into the stock ownership we probably will find that there is a monopoly. We probably will find that the General Electric Co. and the Westinghouse Electric Co., the two great institutions which practically control the manufacture and distribution of certain electrical apparatus in this country, are controlled by one and the same element, and we can not demonstrate this to be a fact unless we do investigate the stock holdings.

We can not prove a power company or other subsidiary of the General Electric Co. to constitute a monopoly. The monopoly is back of such companies. If we do not want to find out whether there is a monopoly, then we should adopt this amendment. If we want to go to the bottom of the matter we should vote down the amendment, and then there will be no question about it.

The reading clerk proceeded to call the roll.

Mr. REED of Pennsylvania (when Mr. PEPPER'S name was called). The senior Senator from Pennsylvania [Mr. PEPPER] is unavoidably absent from the Senate to-day, but if present he would vote "yea."

Mr. SMITH (when his name was called). Making the same announcement as on the last vote with reference to my pair and its transfer, I vote "nay."

Mr. WALSH of Massachusetts (when his name was called). Making the same announcement as on the previous vote, I withhold my vote.

The roll call was concluded.

Mr. JONES of Washington. I wish to announce that the Senator from West Virginia [Mr. ELKINS] has a general pair with the Senator from Oklahoma [Mr. OWEN].

Mr. NORRIS. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness. If he were present, he would vote "nay."

Mr. HARRISON. My colleague, the junior Senator from Mississippi [Mr. STEPHENS], has a pair on this question with the senior Senator from New Jersey [Mr. EDGE].

Mr. GLASS (after having voted in the negative). I have a general pair with the senior Senator from Connecticut [Mr. MCLEAN], who is unavoidably absent. He gave me liberty to vote on this question, and I therefore permit my vote to stand.

Mr. HARRISON. I wish to announce that the senior Senator from Rhode Island [Mr. GERRY] is absent on account of illness.

The result was announced—yeas 32, nays 43, as follows:

YEAS—32

Ball	Dale	Harrison	Reed, Pa.
Bingham	Dial	Jones, Wash.	Smoot
Broussard	Edwards	Keyes	Spencer
Bruce	Ernst	McKinley	Wadsworth
Bursum	Fernald	Metcalf	Warren
Butler	Fess	Moses	Watson
Cameron	Hale	Oddie	Weller
Curtis	Harreld	Phipps	Willis

NAYS—43

Ashurst	Fletcher	King	Sheppard
Bayard	Frazier	Ladd	Shipstead
Borah	Glass	McKellar	Simmons
Brookhart	Gooding	McNary	Smith
Capper	Harris	Neely	Stanley
Caraway	Heflin	Norris	Swanson
Copeland	Howell	Overman	Trammell
Couzens	Johnson, Calif.	Pittman	Underwood
Cummins	Johnson, Minn.	Ralston	Walsh, Mont.
Dill	Jones, N. Mex.	Reed, Mo.	Wheeler
Ferris	Kendrick	Robinson	

NOT VOTING—21

Edge	Lenroot	Owen	Stephens
Elkins	McCormick	Pepper	Sterling
George	McLean	Ransdell	Walsh, Mass.
Gerry	Mayfield	Shields	
Greene	Means	Shortridge	
La Follette	Norbeck	Stanfield	

So Mr. WATSON'S amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment proposed by the Senator from Nebraska [Mr. NORRIS] to Senate resolution 329, directing the Federal Trade Commission to investigate the conduct of the American Tobacco Co. and the Imperial Tobacco Co. in their dealings with tobacco growers' cooperative marketing associations.

Mr. BINGHAM. Mr. President, I desire to explain my vote on the amendment as proposed by the Senator from Nebraska. I hold no brief for the General Electric Co. I am not a stockholder, nor have I any interest in it, nor have I any knowledge as to its guilt or innocence. But I do believe in the old-fashioned American idea of division of the powers of the Government. I have been informed that the President and the Department of Justice and the Federal Trade Commission have ample and plenary power to investigate this corporation, or any other that is breaking the law. It seems to me under the circumstances that it is only fair to permit the executive department of the Government, until we lose confidence in it, a free hand and not direct its investigations.

Therefore, in view of that belief, without prejudice as to the standing of the General Electric Co. or the matter in dispute, but believing as I do that this is a legislative body and not an executive body, I shall vote against the amendment of the Senator from Nebraska.

Mr. WATSON. I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. SMITH (when his name was called). Making the same announcement as previously relative to my pair and its transfer, I vote "yea."

Mr. WALSH of Massachusetts (when his name was called). On this question I am paired with the junior Senator from California [Mr. SHORTRIDGE]. I transfer that pair to the junior Senator from Texas [Mr. MAYFIELD] and vote "yea."

The roll call was concluded.

Mr. HARRISON. I wish to announce that the Senator from Rhode Island [Mr. GERRY] is absent on account of illness.

Mr. REED of Pennsylvania. If the senior Senator from Pennsylvania [Mr. PEPPER] were present he would vote "nay."

Mr. NORRIS. As previously announced, the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate on account of illness. If he were present, he would vote "yea" on this amendment.

Mr. HARRISON. I desire to make the same announcement as before, that my colleague [Mr. STEPHENS] is paired on this vote with the senior Senator from New Jersey [Mr. EDGE]. If present, my colleague would vote "yea."

The result was announced—yeas 55, nays 25, as follows:

YEAS—55

Ashurst	Fess	Jones, Wash.	Robinson
Borah	Fletcher	Kendrick	Sheppard
Brookhart	Frazier	King	Shipstead
Broussard	George	Ladd	Simmons
Bruce	Glass	McKellar	Smith
Cameron	Gooding	McKinley	Stanfield
Capper	Harreld	McNary	Stanley
Caraway	Harris	Neely	Swanson
Copeland	Harrison	Norbeck	Trammell
Couzens	Heflin	Norris	Underwood
Cummins	Howell	Overman	Walsh, Mass.
Curtis	Johnson, Calif.	Pittman	Walsh, Mont.
Dill	Johnson, Minn.	Ralston	Wheeler
Ferris	Jones, N. Mex.	Reed, Mo.	

NAYS—25

Ball	Edwards	Moses	Warren
Bayard	Ernst	Oddie	Watson
Bingham	Fernald	Phipps	Weller
Bursum	Hale	Reed, Pa.	Willis
Butler	Keyes	Smoot	
Dale	Means	Spencer	
Dial	Metcalf	Wadsworth	

NOT VOTING—16

Edge	La Follette	Mayfield	Shields
Elkins	Lenroot	Owen	Shortridge
Gerry	McCormick	Pepper	Stephens
Greene	McLean	Ransdell	Sterling

So the amendment of Mr. NORRIS, as modified, to Mr. ERNST'S resolution (S. Res. 329) was agreed to.

The PRESIDENT pro tempore. The question now is upon agreeing to the resolution as amended.

The resolution as amended was agreed to.

The preambles were agreed to.

MUSCLE SHOALS

Mr. NORRIS. I ask unanimous consent that the conference report on the so-called Muscle Shoals bill be printed in bill form, and that the bill as passed by the Senate and the conference report bill be printed in parallel columns.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

APPROPRIATIONS FOR STATE AND OTHER DEPARTMENTS

Mr. JONES of Washington. Mr. President, I ask unanimous consent that the Senate may proceed with the consideration of House bill 11753, being the bill making appropriations for the State and other departments.

The PRESIDENT pro tempore. The Senator asks unanimous consent that the Senate proceed to the consideration of the appropriation bill to which he has referred. Is there objection?

Mr. BURSUM. Mr. President, I have no objection except that I desire the RECORD to show that the unfinished business has been temporarily laid aside for that purpose. With that understanding, I shall have no objection to proceeding with the consideration of the appropriation bill.

The PRESIDENT pro tempore. The bill to which the Senator from New Mexico refers has already been temporarily laid aside. Is there objection to the request of the Senator from Washington? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, and for other purposes.

INVESTIGATION OF BUREAU OF INTERNAL REVENUE

Mr. COUZENS. Mr. President, I send a resolution to the desk and I ask that the Secretary read it and that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Secretary will read the resolution.

The resolution (S. Res. 333) was read, as follows:

Whereas the select committee of the Senate appointed under authority of Senate Resolutions 168 and 211 of the Sixty-eighth Congress to investigate the Bureau of Internal Revenue was instructed to report its findings; and

Whereas the committee has not completed a thorough inquiry and will be unable to do so before March 4, 1925: Be it

Resolved, That the select committee of the Senate, authorized in Senate Resolutions 168 and 211 of the Sixty-eighth Congress to investigate the Bureau of Internal Revenue and appointed under these resolutions, is hereby authorized and directed to continue its work after March 4, 1925, and, if deemed advisable by the committee, to sit and hold hearings in the interim between the adjournment of the Sixty-eighth Congress and the convening of the first regular session of the Sixty-ninth Congress, and that all authority granted in Senate Resolutions 168 and 211 of the Sixty-eighth Congress shall be and is continued under this resolution.

The PRESIDENT pro tempore. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SMOOT. Mr. President, when the original resolution on this subject was introduced it was referred, first, to the Committee on Finance and then, subsequently, to the Committee to Audit and Control the Contingent Expenses of the Senate. Does the Senator from Michigan desire that the resolution which he now introduces shall go to the Committee to Audit and Control the Contingent Expenses first and then to the Finance Committee?

Mr. COUZENS. If the resolution has to go to both committees it is immaterial to me to which committee it may go first.

Mr. SMOOT. That is what I thought.

The PRESIDENT pro tempore. What is the request of the Senator from Utah?

Mr. SMOOT. I merely wanted to have an understanding with the Senator as to which committee he would rather have the resolution first go. If the Senator from Michigan has no objection, I should like to have the resolution referred first to the Committee on Finance, which was the course taken when the original resolution was presented.

Mr. KING. Mr. President, I think the resolution ought to go to the Committee to Audit and Control the Contingent Expenses of the Senate, and then if it is deemed necessary to send it to the Committee on Finance later that may be done.

Mr. SMOOT. I wish to say to my colleague that it will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate after it comes from the Finance Committee.

Mr. KING. My understanding is that, contrary to a view which I took some time ago, if resolutions involving expenditure of money from the contingent fund are to go to two committees dealing with the subject, they first have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SMOOT. The original resolution went to the Finance Committee first and then was referred to the Committee to Audit and Control the Contingent Expenses of the Senate. The Finance Committee amended it, and after being so amended by the committee it went to the Committee to Audit and Control the Contingent Expenses of the Senate. That is the course that should be followed now. It makes no difference to me particularly as to where it goes first, but after the Committee to Audit and Control the Contingent Expenses of the Senate shall have passed upon it then the Committee on Finance may wish to amend it in some slight particular; and if so, it would then have to go back to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. KING. Not if the amendment did not involve any additional expense.

Mr. COUZENS. Mr. President, I have no objection to the resolution going to the Committee on Finance, with the understanding that the committee shall act promptly upon it.

The PRESIDENT pro tempore. Unless the Senate shall otherwise direct, the resolution will be referred to the Committee on Finance.

Mr. JONES of New Mexico. Mr. President, do I understand that the Chair has ruled upon the reference?

The PRESIDENT pro tempore. The Chair has referred the resolution to the Committee on Finance.

Mr. JONES of New Mexico. I should like to inquire of the Chair under what rule of the Senate that was done? The Senator who submitted the resolution asked that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. The Senator who introduced the resolution assented to its reference to the Committee on Finance and the Chair so referred it.

Mr. JONES of New Mexico. I beg the Chair's pardon; I did not so understand.

SENATOR FROM TEXAS

Mr. KING. Mr. President, several days ago, when the report in the Mayfield case was filed, I asked for five days within which to file a supplemental report. I have been so occupied, and my stenographers have both been so ill—one very seriously—that it has been absolutely impossible for me to prepare it as I had anticipated. I should like a few days additional in which to file the supplemental report.

The PRESIDENT pro tempore. How many days?

Mr. KING. Ten days.

The PRESIDENT pro tempore. Without objection, leave is granted, and the time is extended for 10 days.

ALIEN PROPERTY CUSTODIAN FUND

Mr. FLETCHER. Mr. President, on Saturday there was some discussion with reference to the matter of American claims against Germany and the handling of the Alien Property Custodian fund. It was not appropriate then and is not now to go into a discussion of the general subject, but for the enlightenment of everybody who may be interested—and that includes all our people, I think—I desire to have printed in the RECORD a very clear and, I think, logical and forceful article on that subject published in the American Bar Association Journal for August, 1923, entitled "The confiscation myth," by William Campbell Armstrong, of the New York City bar.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is here printed, as follows:

THE CONFISCATION MYTH—REFUTATION OF THE CLAIM THAT THE APPLICATION BY GERMANY OF THE PRIVATE PROPERTY OF ITS CITIZENS RESIDING IN GERMANY, WHICH WAS SEIZED IN THIS COUNTRY DURING THE WAR, TO THE PAYMENT OF AMERICAN INDEMNITY CLAIMS AGAINST GERMANY WOULD CONSTITUTE CONFISCATION OF PRIVATE PROPERTY BY THE UNITED STATES

(By William Campbell Armstrong, of the New York City bar)

I. CONFISCATION IN INTERNATIONAL LAW

In ancient times neither the property nor the lives of aliens were safe if war broke out between nations and such aliens and their property were found in an enemy country. Aliens were seized and imprisoned and often sold into slavery or killed, and their property was confiscated. These harsh rules were very gradually mitigated.

In early times the merchant of a foreign country, even in times of peace, was liable to arrest and his merchandise was often taken from him. The first mitigation of this harsh rule which we know of is found in an edict of King John of England in Sir Nicholas Nicolas's History of the Royal Navy, Volume I, page 157 (1847). He said:

"King John is said soon after his accession to have given great encouragement to foreign commerce by declaring that all merchants of any nation whatsoever shall with their merchandise have safe conduct to pass into and repass from England, and to enjoy while there the same peace and security as the merchants of England were allowed in the country from which such merchants come." (Writs to the mayor and commonalty of London and to all sheriffs of England, April 5, 1st John, i. e. 1200 Hackluyt ed. 1809, vol. 1, p. 143, From the Records in the Tower.)

This regulation was very similar to one which we will hereinafter consider, although it apparently applied only in times of peace and had for its chief purpose the promotion of international trade and commerce, but this regulation and the many treaties which followed it were more uniformly observed in the breach than in the performance. They were reciprocal and it was always claimed that they had been broken by the enemy.

They amounted to a codification of idealistic ideas as to what should be done in times of war, which men made during intervals of peace and violated as soon as wars occurred.

Thus we find that the first provision for the safety of the lives of enemy aliens found in a country at the outbreak of a war was contained in the Magna Charta (1215) in the following language:

"Par. 41. All merchants shall have safe and secure exit from England and entry to England, with the right to tarry there and to move about as well by land as by water, for buying and selling by the ancient and right customs, quit from all evil tolls, except (in time of war) such merchants as are of the land at war with us. And if such are found in our land at the beginning of the war they shall be detained, without injury to their bodies or goods, until information be received by us or by our chief justiciar how the merchants of our land found in the land at war with us are treated; and if our men are safe there the others shall be safe in our land."

From these provisions in the Magna Charta and the regulations made by King John, and many subsequent treaties between commercial nations, particularly Venice and Genoa and the other great trading nations of the Middle Ages, it has been argued that the private property of enemy aliens found in a country at the outbreak of war can not be confiscated by the country in which they are found. This rule was never conceded in this country to be in accordance with international law in the absence of a treaty.

In 1796 Justice Chase delivered the opinion of the Supreme Court in Ware *v.* Hylton (3 Dall. 199, p. 220). It appeared that in October, 1777, the Legislature of Virginia passed a law to sequester British property, and further provided that if any citizen of Virginia owed money to a subject of Great Britain, he could pay the same to what corresponded to the modern Alien Property Custodian and receive a receipt therefor from the State, and he would thereby be discharged from his debt. Pursuant to this law the defendant in that case paid about £1,000, and was thereafter sued by the British citizen to whom he owed the money and pleaded a payment to the State of Virginia in defense.

The British citizen answered by showing that under the fourth article of the treaty of peace with Great Britain of September 3, 1783 (the Jay treaty), the United States had agreed to restore the confiscated property of British subjects who had not borne arms against the United States.

The fourth article of the treaty read as follows:

"It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts heretofore contracted."

It was therefore held that a British citizen was entitled to recover the amount of his claim not under the law of nations, but by reason of the express terms of the treaty, and that Virginia was bound to make compensation to the debtor from whom it had received payment.

Mr. Justice Patterson, one of the framers of the Constitution, in a concurring opinion said (p. 254):

"It has been made a question whether the confiscation of debts which were contracted by individuals of different nations in time of peace and remain due to individuals of the enemy in time of war is authorized by the law of nations among civilized states? I shall not, however, controvert the position that by the rigor of the law of nations debts of the description just mentioned may be confiscated."

After using the above language the learned justice made an eloquent plea for mitigation of the rule. Justice Chase in the opinion of the court said (p. 230):

"Hence it follows that the restitution of, or compensation for, British property confiscated or extinguished during the war by any of the United States could only be provided for by the treaty of peace; and if there had been no provision respecting these subjects in the treaty they could not be agitated after the treaty by the British Government, much less by her subjects, in courts of justice. If a nation during a war conducts herself contrary to the law of nations, and no notice is taken of such conduct in the treaty of peace, it is thereby so far considered lawful, as never afterwards to be revived, or to be a subject of complaint. It is the opinion of the celebrated and judicious Doctor Rutherforth that a nation in a just war may seize upon any movable goods of any enemy (and he makes no distinction as to private debts), but that whilst the war continues the nation has of right nothing but the custody of the goods taken; and if on peace, no restitution is stipulated, that the full property of movable goods taken from the enemy during the war passes by tacit consent to the nation that takes them. This I collect as the substance of his opinion in liber 2, chapter 9, from pages 558 to 573."

The language just used referred principally to the terms of the treaty of peace, but the court had previously disposed of the proposition that the Legislature of Virginia had no right to confiscate any of the property of a British subject.

After holding that Virginia was a sovereign State and that the British creditor by the conduct of his sovereign became an enemy to the Commonwealth of Virginia, he said (p. 226):

"And thereby his debt was forfeitable to that government as a compensation for the damages of an unjust war.

"It appears to me that every nation at war with another is justifiable by the general and strict law of nations to seize and confiscate all movable property of its enemy (of any kind or nature whatsoever) wherever found, whether within its territory or not."

In support of this opinion, he cites Bynkershoek Q. I. P. de rebus bellicis, liber 1, chapter 7, as follows:

"Since it is a condition of war that enemies by every right may be plundered and seized upon, it is reasonable that whatever effects of the enemy are found with us, who are his enemy, should change their master and be confiscated or go into the Treasury."

He then cites Vattel, liber 3, chapter 81, section 138 of chapter 9, section 161:

"The right to confiscate the property of enemies during war is derived from a state of war and is called the rights of war. This right originates from self-preservation and is adopted as one of the means to weaken an enemy and to strengthen ourselves. Justice also is another pillar on which it may rest, to wit, a right to reimburse the expense of an unjust war."

It was argued in that case that even though private property could be used under the law of nations, debts were placed in an exceptional class.

In the United States *v.* Brown (8 Cranch 107, p. 122) Chief Justice Marshall said:

"Respecting the power of government no doubt is entertained. That war gives to the sovereign full right to take the persons and confiscate the property of the enemy wherever found is conceded. The mitigations of this rigid rule, which the humane and wise policy of modern times has introduced into practice, will more or less affect the exercise of this right, but can not impair the right itself. That remains undiminished, and when the sovereign authority shall choose to bring it into operation the judicial department must give effect to its will."

In United States *v.* Percheman (7 Peters, pp. 51–86) Chief Justice Marshall referred to the effect of conquest upon the private property of persons in the territory so acquired, and said:

"The modern usage of nations which has become law would be violated; that sense of justice and right which is acknowledged and felt by the whole civilized world would be outraged if private property should be generally confiscated and private rights annulled. The people change their allegiance; their relation to their ancient sovereign is dissolved; but their relations to each other and their rights of property remain undisturbed. If this be the modern rule even in cases of conquest, who can doubt its application to the use for the amicable cession of territory."

This passage has been cited as indicating a change in the great Chief Justice's views as to the right to confiscate the private property of aliens found in our country during a war, but it will be seen that he was talking about the confiscation of private property in Florida subsequent to its cession to the United States by Spain. It will be remembered that Florida was a colony of Spain, the acquisition of which by the United States was extremely desirable, and it was ceded by a friendly treaty, no dispute having existed between the powers, let alone a war, on the 22d of February, 1819.

It will therefore be seen that from the time of the creation of this Nation it has been admitted that the private property of enemy aliens in this country could lawfully be sequestered under international law in the event of war, and confiscated after the war, unless some different disposition was agreed to in the peace treaty.

II. THE POLICY OF THE UNITED STATES

With a view to the promotion of commerce and friendly relationship between nations, the State Department has negotiated many treaties providing in effect (and in contravention of recognized international law) that private property of resident enemy merchants found in this country at the outbreak of war should not be confiscated and a reasonable opportunity be given them to leave the country with their goods.

Such was the effect of the fourth paragraph of the Jay treaty, terminating the war with Great Britain, a discussion of which will be found in the letters of Alexander Hamilton (Camillus letters).

A similar treaty was negotiated with the Kingdom of Prussia in 1785, followed by the treaties of 1799 and 1828.

Article XXIII of the treaties of 1799 and 1828 were identical and provided as follows:

> "If war should arise between the two contracting parties the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance."

Article XXIV of these two treaties was also identical and also provided:

> "And it is declared that neither the pretense that war dissolves all treaties nor any other whatever shall be considered as annulling or suspending this and the next preceding article, but on the contrary that the state of war is precisely that for which they were provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature and nations."

From the fact of the existence of these treaties it has been claimed that there was a general understanding or implied agreement between the United States and Germany at the outbreak of the war not to confiscate any of the private property of Germans, whether or not merchants and whether or not residing in the United States, found in the United States, at that time.

The United States Supreme Court, however, in Stoehr *v.* Wallace (255 U. S. 239–251, decided February 28, 1921) disposed of this argument and interpreted the treaties strictly (being in contravention of international law), saying:

> "The treaty provisions relied on (art. 23–24 A, Stat. 174) relate only to the rights of merchants of either country 'residing in the other' when war arises, and therefore are without present application."

It is a fact that none of the property now in the possession of the Alien Property Custodian was taken from German merchants residing in the United States. It belonged either (1) to German citizens then residing in Germany, or (2) to German citizens (other than merchants) residing in the United States who were interned on the ground that they were aiding or about to aid the enemy.

The interned enemies were permitted to recover their property upon their release if they signified their intention to continue to reside in the United States. (Amendments to trading with the enemy act June 20, 1920, and February 7, 1921.)

Of course if it appears that any of those interned were actually merchants residing in the United States at the outbreak of the war, it might be contended that they would be entitled to the restoration of their property under the Prussian treaty (abrogated in express terms by the Berlin treaty). It is quite clear that no one else has any treaty right thereto.

III. TRADING WITH THE ENEMY ACT

This act (chap. 1046, 40 Stat. 411) was passed on October 6, 1917, for the purpose of preserving enemy-owned property in the United States from loss and to prevent any use of it which might be hostile or detrimental to the Government. It was not intended as an act of confiscation. It was very similar to the Virginia sequestration act of 1777 and other statutes passed by States during the Revolution.

As to its validity, the Supreme Court in Stoehr *v.* Wallace (supra) (p. 245) said:

> "That Congress in time of war may authorize and provide for the seizure and sequestration through executive channels of property believed to be enemy owned, if adequate provision be made for return in case of mistake, is not debatable."

See also Junkers *v.* Chemical Foundation (Inc.) (287 Fed. Rep. p. 597).

It is therefore clear that the Government legally sequestrated property of German citizens found in the United States on and after October 6, 1917, and still holds the same subject to the direction of Congress as to its disposition, and it may be confiscated (in the absence of treaty provisions) or returned to its owners, as Congress deems best.

Ordinarily and under the law of nations, as we have seen, the disposition of sequestrated property is determined by the treaty of peace at the conclusion of the war, and that in fact is what has been attempted in this case.

IV. THE BERLIN AND VERSAILLES TREATIES

The Berlin treaty: Section 5 of the treaty of Berlin, signed August 5, 1921, provided as follows:

> "All property * * * of all German nationals, which was, on April 6, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America * * * shall be retained by the United States of America and no disposition thereof made * * * until such time as the Imperial German Government * * * shall have * * * made suitable provision for the satisfaction of all claims * * * of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of the Imperial German Government * * * since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German * * * or other corporations, or in consequence of hostilities or of any operations of war, or otherwise." * * *

Article II of section 1 of the treaty of Berlin provides for the incorporation into that treaty, amongst others, of parts 8 and 10 of the Versailles treaty. The United States was accorded the "rights and advantages stipulated in that treaty for the benefit of the United States."

Parts 8 and 10 of the Versailles treaty included the following articles. Section IV of article 297 (h) (2) reads as follows:

> "The proceeds of the property, rights, and interests, and the cash assets of German nationals received by an allied or associated power shall be subject to disposal by such power in accordance with its laws and regulations and may be applied in payment of the claims and debts defined by this article or paragraph 4 of the annex hereto."

Article 297 (i) Section IV provides:

> "Germany undertakes to compensate its nationals in respect of the sale or retention of their property, rights, or interests in allied or associated States."

Paragraph 4 of the annex to Part X, Section IV, provides:

> "All property, rights, and interests of German nationals within the territory of any allied or associated power and the net proceeds of their sale, liquidation, or other dealing therewith may be charged by that allied or associated power in the first place with payment of amounts due in respect of claims by the nationals of that allied or associated power with regard to their property, rights, and interest, including companies and associations in which they are interested in German territory, or debts owing to them by German nationals, and with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that allied or associated power entered into the war."

Paragraph 1 of the annex to Section IV validated and confirmed all actions taken by any of the allied or associated powers in pursuance of war legislation in regard to enemy rights and interests.

Paragraph 2 of the annex to Part X, Section IV, provided that no German national could make or bring any claim or action against any allied or associated power in "respect of any act or omission with regard to his property, rights, or interests during the war or in preparation for the war."

Articles 282 to 289, inclusive, abrogated all prior treaties not revived within six months.

V. THE EFFECT OF THE PEACE TREATY

It seems clear from a consideration of the terms of the abovementioned treaties that a specific, definite, and legal arrangement has been made between the Governments of the United States and Germany for the payment of the claims of the United States and its citizens against Germany, and in this connection it will be interesting to consider the opinions of leading authorities on international law.

Hon. Wilbur J. Carr, Chief of the Consular Service, said:

> "In this instance, however, Germany assumed the responsibility for reimbursement of her own nationals for property retained by the allied and associated Governments and hence there is not involved a technical case of confiscation." (Hearings on S. J. Res. 225 before the Senate Committee on the Judiciary, January 10, 1923, p. 47.)

It has often been suggested that President Wilson when in Paris took the position that the United States would not make any claim for reparations. This is undoubtedly true, but he distinctly stipulated that we should insist on having indemnity for pre-war damages.

The following is an extract from a statement made by Mr. Wilson at a conference with the Foreign Relations Committee on August 19, 1919, as reported in the public press:

> "Mr. LODGE. I want to ask, purely for information, is it intended that the United States shall receive any part of the reparations fund which is in the hands of the Reparations Commission?
>
> "The PRESIDENT. I left that question open.
>
> * * * * * * *
>
> "Senator MCCUMBER. Did that mean we would claim nothing for the sinking of the *Lusitania*?
>
> "The PRESIDENT. Oh, no; that did not cover questions of that sort at all.
>
> "The CHAIRMAN. I understood that pre-war claims were not covered by that reparation clause.
>
> "The PRESIDENT. That is correct.

"Senator WILLIAMS. This question of reparations does not in any way affect our rights to pre-war indemnities?

"The PRESIDENT. That is expressly stated."

Prof. E. M. Borchard, of Yale University, said:

"Mr. BORCHARD. I say, so far as our treaty position is concerned, we can stand up straight and say from a treaty position 'Germany has no claims whatsoever; she has foreclosed her claims as a nation.'

"Mr. GRAHAM. Are you assuming the position that the Government of the United States committed an immoral act when it entered into the treaty of Berlin?

"Mr. BORCHARD. No, sir; I say I think it gave us the privilege of doing such an act if we take advantage of it. We have not yet done that.

"Mr. GRAHAM. That treaty specifies in distinct terms, as I understand it, that the German Government, for instance, will take care of its own people. Is that immoral?

"Mr. BORCHARD. No, sir. But when we remit people from whom we take property to a remedy that is valueless and known to be so, I can not regard the method as very moral." (Hearings on H. R. 13496, January 11, 1923, p. 202, House Judiciary Committee.)

Charles H. Butler testified before the same committee (hearings on H. R. 13496, January 5, 1923, p. 107):

"In my opinion the attitude of this Government in holding on to this money as a question of security is perfectly justifiable and proper under principles of international law and equity and justice and applicable treaties and legislation. The real question is a practical question as to how much of it should be held. I think the Government can afford to release a certain percentage of it."

Prof. Charles C. Hyde, of Harvard University, in his textbook on international law (1922), volume 2, page 239, says that the treaty provisions permitting the utilization of the property of German nationals for the payment of claims against the German Government are not confiscatory in character, because of the undertaking of Germany to reimburse its nationals. He argues, however, that they constitute "practical confiscation by reason of the fiscal burden imposed upon the German territorial sovereign."

Mr. Louis Marshall, of the New York bar, testified before the House committee (hearings on H. R. 13496, January 10, 1923, p. 190) as follows:

"Mr. DENISON. What would you think of it if Berlin were not insolvent?

"Mr. MARSHALL. Why, if Berlin were not insolvent it would all depend upon whether or not that would involve long litigation and long delays before the persons who were entitled to their property got it.

* * * * * * *

"Mr. DENISON. We made a treaty with the German Government as a government, and that Government is the sovereign of these citizens whose property we have, and that Government has entered into an obligation, as any other government enters into a treaty, by which they say they will pay these nationals for the property they claim.

"Mr. MARSHALL. They will pay them in marks at the rate of 10,000 marks for a dollar.

"Mr. DENISON. Well, that is a mere incident. Suppose their money was good and they were not bankrupt. What would you think of that situation?

"Mr. MARSHALL. If their money was good, if they were not bankrupt, if they were ready at once to pay it over, and would not relegate us into the remote future, and if several other hypotheses were true * * * why, then, perhaps it would not make much difference, so long as we got what belonged to us. We would not ask any questions. But that is not the situation. Germany is not good. Its money is not good."

Finally it will be interesting to consider the remarks of the Hon. W. H. KING, in the United States Senate, on March 3, 1923 (CONGRESSIONAL RECORD, p. 5870). He said:

"It will be perceived that there are some important legal questions—and perhaps a foundation for some international complications—in the legislation before us (the proposal of return $45,000,000 to the Germans), or at least in the proposition to restore all the property to the German, Austrian, and Hungarian nationals who claim to be the owners of the same. Germany—a sovereign nation—and we dealt with her as a sovereign nation—declares in effect that the property of her nationals held by the United States has been expropriated by her and that she has undertaken to fully compensate her nationals for such property. Technically and legalistically can the United States assume that her act of expropriation is invalid? May the United States thus impugn the solemn declarations of the nation with whom it entered into a solemn treaty; and may our Government ignore the provisions of the treaty and deal with the property as though both the legal and equitable titles were still with the German nationals?

"Again, if that position shall be assumed by the United States and the property returned to German nationals from whom it was taken, and the Mixed Claims Commission find that Germany is indebted to the various American citizens in amounts aggregating tens of millions of dollars, and Germany is required by the United States to satisfy the judgments of such commission, what would be the situation if Germany should refuse payment upon the ground that she had by the treaty of Berlin placed in the hands of the United States property of the value of hundreds of millions of dollars which was to be held, if not for the purpose of being applied toward the liquidation of the claims of American citizens against Germany or her nationals, at least it was so to be held until such time as the German Government 'shall have made suitable provisions for the satisfaction of all claims of all persons whomsoever who owe permanent allegiance to the United States and who have suffered loss, damage, or injury by reason of the acts of the German Government, since July 31, 1914' and the United States had, without her authority dissipated such property by delivering it to various persons in Germany."

It is therefore apparent that even those opposing the application of the funds in the hands of the Alien Property Custodian to the payment of the American claims against Germany have abandoned the argument that such appropriation would constitute confiscation of private property by the American Government, assuming there was an implied agreement not to confiscate.

The most that they are able to say is that the proposed procedure would have the same result as confiscation if Germany fails to keep its promise (made in the treaty) to its own citizens to compensate them for the property taken. We are asked to prevent Germany from breaking its solemn word to compensate its citizens, by paying them ourselves, and then to rely on Germany to compensate our citizens for injuries done them in violation of treaties and international law, though all their assets are pledged to the allied governments.

In making this suggestion, they overlook intentionally or unintentionally the fact that Germany would have a right to take any property of its own citizens for public use by way of taxation without compensation, and it is quite clear that this right would extend at least to personal property in the United States. The total amount of property now in the hands of the Alien Property Custodian is estimated to be worth $300,000,000 (hearings H. R. 13496, p. 6), of which only $5,000,000 represents real estate. If the German owners are to maintain their claim that the United States Government proposes to violate an implied agreement made with them, by accepting their property for the payment of the American claims against Germany, they can not rely on the Prussian treaties or on the implied agreement not to confiscate private property.

It will be necessary for them to prove that when they brought their property to the United States, the American Government agreed not only that it would never confiscate their property for its own uses, but also that if their own Government attempted to levy a tax on the property thus brought into the United States or to expropriate it for the public use by the exercise of the right of eminent domain, agreeing to pay them compensation therefor, the United States had agreed to prevent their own Government from doing so.

An agreement of that kind would make the United States into a house of refuge for thieves, or at least for tax dodgers.

Of course, no such agreement was ever made or thought of. Furthermore, in the present case if the property is restored in the United States to German resident owners and they keep it here, as they would have a perfect right to do, the German Government, being still indebted to the United States, would have to collect the money to be used by it for the payment of the American claims out of the property of its citizens also resident in Germany, who were not farseeing enough to take their property out of the country.

The whole proposition amounts to a suggestion that the United States agreed to assist any alien who brought property into the United States in the dodging of lawful taxes or levies imposed by his country, and in evading any requisition or call upon such persons by their own Government.

VI. THE RIGHT OF GERMANY TO EXPROPRIATE THE PROPERTY OF ITS CITIZENS IN THE UNITED STATES

We can do no better in considering this question than to quote from the speech of Senator KING on March 3, 1923. He said:

"I concede that the treaty of Versailles, followed by the Berlin treaty, raises issues that call for most serious consideration and present questions which compel a reexamination of what I have felt to be the moral and legal grounds calling for restitution of the property seized by our Government. * * * However, we should frankly examine the other side of this question, because,

if it should be the right one, then our Government must take such steps as will prevent confusion or place it in a legally indefensible position" * * * (p. 5869).

Senator KING then stated that there was no doubt that Germany as a sovereign State could expropriate all or any part of the property of its nationals for the public good. He said that the right of eminent domain was inherent in all sovereignties and would exist without constitutional recognition; that the right of eminent domain antedated constitutions.

He then quoted from articles 7 and 153 of the German constitution of August 11, 1919, from German jurists, and said:

"I think it may be asserted without fear of successful contradiction that Germany, both before, during, and after the war, asserted the right to take the property of her subjects under the law of eminent domain, and her highest judicial tribunals affirmed that right" (p. 5869).

He then stated that the United States has often exercised the right of eminent domain, and cited instances during the recent war of the taking of privately owned property.

He then referred to the taking by the United States, as victors, of the claims of American citizens against Spain after the Spanish-American War, and referred to the agreement following the late war between our country and France.

The learned Senator then used the following pertinent language:

"So, Mr. President, unless there are some conditions or circumstances which differentiate the case now before us from the broad principles of law with respect to the rights of governments to expropriate the property of their citizens, there may be sound reasons justifying the Secretary of State in opposing, as his communications to Mr. Winslow, of the House, respecting this bill would indicate, the return to the nationals of Germany, Austria, and Hungary of the greater part of the property now held by the Alien Property Custodian. It seems clear that if Germany had the right to expropriate property for war purposes that same right would exist when she was making peace with the victorious nations.

"It may be urged that the right of expropriation is lost by Germany with respect to property, particularly real property, beyond her borders. I express no opinion with respect to her right to take real estate under the power of eminent domain which has been acquired by her nationals and is situate in other countries. I am inclined to think, however, that with respect to personal property, unless some treaty provides otherwise, or certain national acts and usages create a situation which would give rise to the doctrine of equitable estoppel, the right to expropriate personal property of German nationals situate in other countries existed in Germany's behalf when the Versailles and Berlin treaties were signed. * * *

"It follows, therefore, under the principles of law to which I have referred, that unless there is some exception in the case before us, growing out of treaties or some circumstances and conditions not, so far as I know, clearly or specifically defined, the personal property owned by alien enemies was subject to the right of eminent domain by the government to which the owners of such property owed allegiance.

"If these premises are correct, then when the Versailles treaty was ratified by the German Government it constituted a taking of the personal property in the hands of the Alien Property Custodian which was owned by German nationals; or, if not an absolute expropriation of what might be called the corpus of the property, at least its use for an indefinite period. Technically speaking, however, the treaty was an asportation of the property, and such a taking as would amount to a conversion by the German Government which would entitle the owners thereof to compensation."

That the learned Senator was correct in his interpretation of German law can not be doubted.

Articles 7 and 153 of the present German constitution provides as follows:

"ART. 7. The Federal State has jurisdiction over * * * matters concerning expropriation.

"ART. 153. The constitution guarantees the right of private property. Its nature and limitations are defined by law. Expropriation shall take place only for the common good and shall be subject to the due process of law. There shall be appropriate compensation unless otherwise provided by Federal law. * * * Property rights impose certain duties. The use of property shall serve for the common good."

The Supreme Court of the German Empire, in a case entitled "B. v. Koncurs," decided on October 8, 1918, said:

"Thus * * * the compensation in regard to all rights in property or in the use of the same shall take the place of the expropriated object * * * by virtue of a Federal law, the owner is to be compensated for the thing expropriated on account of public interest."

The same highest court of Germany on November 13, 1914, in Fiscus v. S., said:

"The law of expropriation is governed by the principle that the compensation due the owner is to be made in money. The owner can not demand some other substitute for the money, especially not a substitute in kind."

German jurists, publicists, and text writers have recognized this right and power as firmly established. See Pufendorf in his "De ure Naturæ et Gentium" (Concerning the Laws of Nature and Peoples) (1632–1694). He said:

"The sovereign power, they say, was erected for the common security, and that always will give a prince a sufficient right and title to make use of the goods and fortunes of his subjects whenever necessity requires."

And again:

"The state of a commonwealth may often be such that either some pressing necessity will not give leave that every particular subject's quota should be collected, or else that the public may be forced to want the use of something in the possession of some private subject. It must be allowed that the sovereign power may seize it to answer the necessities of the State." [See also Vattel's "Droit des Gens" (1714–1764).]

In 1913 George Peterzelt wrote a thesis entitled "The State's Rights of Expropriation" (Harvard Law Library). Peterzelt, in this thesis, said, among other things:

"By what right is the State authorized to expropriate its subject's property, or at least exercise compulsion to relinquish their property? * * * The only correct explanation is this, which is also given by Bornhak in his Prussian Public Laws: It rests without doubt upon the theory of eminent domain, founded by Hugo Grotius and extended by his followers. Indeed, it may be regarded as its continuation. Owing to its omnipotence, its plenary power, the State has the right to withdraw from its subjects every private right which they may have with regard to other private persons, and it may keep it for itself or transfer it to other private persons. * * * Among the objects of expropriation enumerated in the debates prior to the passage of the law were the following: Cases of public distress, especially in the case of danger by fire or water, earthquakes and land slides, in distress of war, and other urgent need."

Thus it will be seen by the constitution, courts, and text writers of Germany, the law of expropriation has been recognized for 300 years.

The general rule that all personal property follows the person of the owner, as determined by the English High Court of Chancery in Penn v. Lord Baltimore, in 1750, is too well settled to require any citation of the authorities, and practically all of the property held by the Alien Property Custodian is personal property. (See also 32 Cyc. p. 675; Tappan v. Merchants National Bank, 19 Wall, 490.)

In a statement submitted to the House Committee on Interstate Commerce as of November 29, 1922, the Alien Property Custodian gave the total value of the property on hand as $347,310,776.22. Of this amount, $5,018,499.72 was said to be real estate, the balance personal property. (Hearing on H. R. 13496, p. 6.)

He also gave a list of 126 enemy vessels seized by the Government and now in his possession, carried on the books at $34,000,000.

So it is apparent that Germany would have had the right to expropriate its citizens' private personal property in this country, even if it had never been seized by the United States Alien Property Custodian, and by the comity of nations our courts would have lent their aid to the enforcement of this right.

There has never been any contrary rule of law or treaty.

We are now holding and conserving the German expropriated property for the benefit of and at the request of Germany.

VII. INTERNATIONAL PRECEDENTS

In volume 2 of Charles H. Butler's work on "The Treating Making Power of the United States," the author said (p. 293):

"Notwithstanding the fact that these claims are property rights, in numerous instances claims of citizens have been absolutely destroyed so far as they existed against the foreign governments by the action of the Executive in making a treaty and of the Senate in ratifying it. In such cases no further action of Congress appears to be necessary so far as the complete extinguishment of the claim against the other government is concerned."

In Hon. John Bassett Moore's "History of International Arbitrations" more than 50 instances are cited in which the United States has entered into treaties providing for the disposition of claims of our citizens against such governments, or the claims of their citizens against the United States. Thus in the first treaty between the United States and France, made on July 31, 1801, it appeared that France had claims against our Government and certain citizens of the United States had claims against France. The treaty provided that the claims of the citizens of the United States should be set-off against the claims which the French Government had against the United States.

The United States by this treaty used the claims of American citizens against France, amounting to many millions of dollars to settle the just claims of France against the United States.

By the treaty of Washington in 1871 between the United States and Great Britain a similar arrangement was made relative to the claims of American citizens against Great Britain, growing out of damages caused to American commerce by the depredations of the Confederate cruisers *Alabama* and *Florida* which had either been built or sheltered in the harbors of Great Britain during the war.

A similar arrangement was made in the treaty between the United States and Spain at the close of the Spanish-American War.

In that case citizens of Spain had many claims against the United States for property commandeered and destroyed. By article 7 of the treaty the United States relinquished all claims for indemnity against Spain, and the treaty provided:

"The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article."

This paragraph is precisely similar to article 297 (1) of the Versailles treaty, whereby Germany agreed to compensate its citizens for the loss of their claims against the United States and other countries.

Finally, it appears that during the late war certain citizens of France presented numerous claims for property damages, arising out of the alleged actions of the members of the American Expeditionary Forces. The validity and amount of these claims of individual citizens of France was duly recognized by this Government. The Government of the United States, however, had a large claim against the French Government for war material sold to it subsequent to the armistice. An agreement was, therefore, entered into whereby France agreed to relinquish all claims of its citizens against the United States in consideration of the cancellation of admitted debts in an equal amount due by the French Government to the United States Government.

It must be presumed that the French Government will compensate its own nationals.

Sufficient seems to have been said to prove beyond peradventure that the provisions of the Berlin and Versailles treaties whereby Germany appropriated the contingent (contingent upon the decision of Congress to follow our traditional policy and not to confiscate the private property of enemy aliens found in this country at the outbreak of war. We have the legal right to confiscate the property and in addition to compel the payment of full damages by Germany) claims * * * of its citizens against the United States for the return of their property to its governmental debts was an agreement which it had an absolute legal right as a sovereign government to make in accordance with international precedents as old as the United States.

VIII. THE "LUSITANIA" CASE

In the opinion of Judge Mayer, dated August 23, 1918 (petition of Cunard Steamship Co. (Ltd.), 251 Fed. Rep. p. 715), the court said:

"While in this lawsuit there may be no recovery, it is not to be doubted that the United States of America and her allies will well remember the rights of those affected by the sinking of the *Lusitania*, and when the time shall come will see to it that reparation shall be made for one of the most indefensible acts of modern times."

After showing that the application of the private property of German nationals to the payment of indemnity claims of the United States against Germany is proper and right from every standpoint, moral and legal, the question remains, What action will be taken by Congress?

No one can doubt that there would be no hesitation in Congress if it were not for the repeated and vicious representations made on this subject by German propagandists.

As we have seen, the United States never confiscated any property and never intended to do so, and has no such intention at the present time, and yet we constantly hear statements to the effect that the treaty provisions will not be carried out, because it would amount to confiscation of private property of German nationals.

The best answer to this argument is contained in a part of the letter addressed to the German commissioners, etc., under date of June 16, 1919, in answer to a protest, a little less than two weeks prior to the signing of the Versailles treaty, in which the following explanation of these provisions was made:

"As regards the first objection they would call attention to the clear acknowledgments by Germany of a pecuniary obligation to the allied and associated powers and to the further circumstances that the immediate resources of Germany are not adequate to meet that obligation. It is the clear duty of Germany to meet the admitted obligation as fully and as promptly as possible and to that end to make use of all available means. The foreign investments of German nationals constitute a class of assets which are readily available. To these investments the treaty simply requires Germany to make prompt resort. * * *

"TREATMENT OF PRIVATE PROPERTY

"The method of using this property laid down by the treaty can not be considered either in principle or in the method of its application as a measure of confiscation. Private German interests will only be injured by the measures contemplated so far as Germany may decide that they shall be, since all the proceeds of Germany's property will be carried to the credit of Germany, who is required to compensate her own nationals, and will go to reduce her debt to the allied and associated powers."

This reply was evidently accepted, for the treaty was signed with the provisions we have heretofore referred to unchanged and so ratified by the German Reichstag at Weimar.

There are no legal or moral grounds for refusing to apply this property to the payment of our just claims, and the German Government makes no complaint, but the entire matter boils down to a plea by the propagandists that the German citizens be paid in full for the property taken in the United States and applied by their Government to our claims, and that American citizens be relegated to a claim to be paid at some very distant date by the German Government. If the German Government, which is the sovereign of these pleaders, were an honorable government which was accustomed to keep its word, nothing would ever have been heard of this plea. It is based on German citizens' disbelief in the solemn word of their own Government and on their willingness to allow Americans to rely thereon if they can be persuaded to do so. And they constantly attempt to confuse the acts of Germany and the United States to make our actions appear to be dishonorable.

One further specious suggestion is constantly presented, viz, that the German Government will be insolvent after it has made final arrangements for the satisfaction of its debts. No one acquainted with the facts relative to international matters to-day believes or can be made to believe any such thing, for it is well known that the actual physical assets of Germany to-day are far in excess of what they were before the war, and if that country were willing to attempt to satisfy the lawful claims against it, it could do so at once, and there is no doubt that it will satisfy the claims of its own citizens in the event that Congress fails to be deceived by the confiscation myth and uses this property for payment of American claims, as Germany has agreed it may do. But there can be no doubt that the German Government would be very glad to have Congress give this money away, and in that event American claims would be satisfied as soon as Germans really believe that a crime was committed when the Imperial German Government sank the *Lusitania*, if that day should ever arrive. Germany will not pay twice.

We will never confiscate private property, though international law and treaties permit us to do so, but we may take German property, expropriated by the German Government, to pay just American claims, where we have the solemn word of the German Government to indemnify its citizens in full for any loss they may suffer thereby. To act otherwise would, indeed, be "maudlin sentimentality."

THE RHINE CLAIMS

Everyone admits that the ideal solution of the difficulties would be to have Germany pay our claims direct, a possibility which was contemplated in the Berlin treaty and Knox resolution.

We would then be required to turn over the property pledged to us, now in the hands of the Alien Property Custodian, to Germany for such disposition as it might wish to make thereof, or else to return it to its former owners at Germany's request and direction.

We have said that this is the ideal solution from the American standpoint, but it can never be accomplished, because it would amount to depriving the allied governments of $300,000,000 which they are entitled to under the Versailles treaty, and to this they will never give their consent.

It is true that the Allies have agreed to pay the costs of the American army of occupation out of reparations collected by them from Germany and have not included in the agreement any mention of the American claims against Germany, but in an official communiqué issued in Paris on May 24, 1923, the allied governments said:

"The committee occupied with the reimbursement of the cost of the American army of occupation will meet to-morrow afternoon. Negotiations have been going on between the governments in the last few days, with the result that the Allies do not maintain in the text of the agreement the reservation which irritated the United States and which provided for a case in which Germany might pay reparations directly to America. The Allies consider that they are sufficiently able to protect their rights in such a case by the text of the treaties without it being necessary to introduce a reservation in the agreement."

The meaning of this communiqué is clear.

Congress may, if it so desires, abandon its right to apply the German property to American claims and return it to its pre-war owners, with or without Germany's consent, but if it does so the allied governments will never permit Germany to pay our claims directly out of assets pledged to them, and the ultimate result will be that the American Government and its citizens will either get nothing, or the claims will have to be paid out of the Treasury of the United States. Nor will the Allies permit assets pledged to them to be released to secure a German loan in America.

Thus we see that the claim for the expenses of the army of occupation and the indemnity claims against Germany are inextricably interwoven.

The allied governments at the Paris conference in May, 1923, are said to have insisted that if they agreed to pay the expenses of the army of occupation the United States must abandon all of its other claims against Germany. No such claim was ever made by the allied governments, but they did insist that, if an agreement was reached as to the Rhine claims, the United States apply the property placed in its possession by Germany to the satisfaction of American claims, and, in the event of our decision not to use the property, they said that they would not permit Germany to make payment out of the assets pledged to them.

This would seem to be a just and proper attitude and exactly what could have been expected. There can be no reason, legal or moral, for refusing to take advantage of our treaty rights.

BRIDGE ACROSS THE KILL VAN KULL

Mr. LADD. Out of order, from the Committee on Commerce I report back favorably with amendments the bill (S. 4203) to authorize the Port of New York Authority to construct, operate, maintain, and own bridges across the Kill Van Kull between the States of New York and New Jersey, and I submit a report (No. 1061) thereon. I call the attention of the Senator from New York [Mr. WADSWORTH] to this bill.

The PRESIDENT pro tempore. Without objection, the report will be received.

Mr. WADSWORTH. Mr. President, I ask unanimous consent for the immediate consideration of this bridge bill, to which there is no objection. It is in the usual form.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 3, after the word "That," to strike out all down to and including the word "permit" on page 3, line 2, and to insert: "the consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate a bridge and approaches thereto across the Kill Van Kull, at a point suitable to the interests of navigation, at or near Bayonne, on the New Jersey side, and at or near Port Richmond, on the New York side, in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906"; on page 3, line 3, after the word "said," to strike out the word "bridges" and insert "bridge"; in line 4, after the word "and," to strike out the word "they"; on page 3, to strike out lines 8 to 19, inclusive; and to renumber the sections, so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate a bridge and approaches thereto across the Kill Van Kull, at a point suitable to the interests of navigation, at or near Bayonne, on the New Jersey side, and at or near Port Richmond, on the New York side, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. Construction of the said bridge shall be commenced within three years and shall be completed within six years from the date of the passage of this act, and in default thereof the authority hereby granted shall cease and be null and void.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Kill Van Kull between the States of New York and New Jersey."

APPROPRIATIONS FOR STATE AND OTHER DEPARTMENTS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Tennessee [Mr. MCKELLAR], which will be stated by the Secretary.

The PRINCIPAL LEGISLATIVE CLERK. On page 32, line 19, it is proposed to strike out "$1,000,000" and to insert "$500,000."

Mr. JONES of Washington. Mr. President, I ask unanimous consent that that amendment may be laid over until tomorrow, and that we may proceed with the consideration of the amendment on page 91. I think probably we will save time by doing that.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Secretary will state the amendment on page 91.

The PRINCIPAL LEGISLATIVE CLERK. On page 91, line 12, after the word "buildings," it is proposed to strike out the semicolon and the following language:

carrying into effect section 13 of the act of June 29, 1906 (34 Stat. p. 600), as amended by the act approved June 25, 1910 (36 Stat. p. 765), and in accordance with the provisions of the sundry civil act of June 12, 1917, for which purposes $20,000 of this appropriation shall be immediately available.

Mr. COPELAND. Mr. President, may I ask the Senator from Washington in charge of the bill if the adoption of this amendment by the committee would reduce the appropriation for naturalization purposes?

Mr. JONES of Washington. It would not.

Mr. COPELAND. It is not offered in the interest of economy, then?

Mr. JONES of Washington. It is.

Mr. COPELAND. I should be very glad to know how it economizes the funds of the Government.

Mr. JONES of Washington. It saves money which, if necessary, can be used for other purposes. This $680,000 is used for other purposes besides the naturalization up in New York City.

Mr. COPELAND. Yes; but the question I ask the Senator is: Does cutting out the language in lines 12 to 18, inclusive, lessen the appropriation for this purpose?

Mr. JONES of Washington. It lessens the amount that it will be necessary to expend for naturalization in New York City.

Mr. COPELAND. It does not lessen the appropriation as stated in the bill, does it?

Mr. JONES of Washington. It does not lessen the amount carried in the bill, but it makes available more for the same work in other sections of the country, if necessary.

Mr. COPELAND. The point I want to bring out is, If we adopt this amendment will the Senate have appropriated less money than the House appropriated?

Mr. JONES of Washington. It will not, but it will accomplish a great deal more than under the House provision.

Mr. COPELAND. Mr. President, in my city of New York 60 out of every 100 babies born have foreign-born parents. The majority of our people are foreign born. The great problem that we have in New York—and I hope Senators will do me the courtesy to listen to this, because it is a matter of great importance to our city—the great social and civic problem with which we have to deal in New York is to assimilate and Americanize the great hordes of foreigners who have located within our borders.

We have an endless number of organizations of patriotic women and of patriotic men—the Sons of the Revolution and the Daughters of the Revolution, and a lot of other organizations—holding schools where the foreigners who have come to us can be taught the principles and ideals of our country, and where they can be inspired to become American citizens. There are thousands upon thousands of such persons who are not permitted to become American citizens after they have been prepared for our citizenship because the courts are unable to deal with the naturalization procedure.

Mr. President, we have in New York City at the present time 100,000 persons waiting to become naturalized, ready for naturalization.

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator whether petitions of that number have been filed in the courts?

Mr. COPELAND. Petitions of that number have not been filed because the machinery for taking care of them has broken down, as I shall show very shortly.

Mr. WALSH of Massachusetts. What the Senator means to say, then, is that there are 100,000 people there who could be naturalized if they made application?

Mr. COPELAND. There are 100,000 persons wishing to make application, and ready to make application, but who are not able to make application because of the crowded conditions of the naturalization machinery.

Mr. WALSH of Massachusetts. I shall be glad to hear the Senator.

Mr. COPELAND. For 140 years our State courts have assisted in the work of naturalization. In 1906 an act was passed by Congress—and I want to call the attention of Sena-

tors to it, because it is that act which is referred to in the language stricken out by the amendment proposed by the committee.

In 1906 provision was made for the collection of fees from those aliens who desired to become citizens, and provision was made for the operation of naturalization in certain courts. Those courts are the following:

United States circuit and district courts now existing, or which may hereafter be established by Congress in any State, United States district courts for the Territories of Arizona, New Mexico, Oklahoma, Hawaii, and Alaska, the Supreme Court of the District of Columbia, and the United States courts for the Indian Territory; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

Then it is provided that the naturalization jurisdiction of those courts shall extend only to aliens resident within the respective judicial districts of such courts.

So, through the years, naturalization has taken place through our State courts. In our particular city those courts are known as the supreme courts. There are certain judicial districts which do not exactly coincide with county lines, but we have from 30 to 35 supreme court judges, men presiding over these State courts, with power under the law to naturalize citizens.

We have in our city nine Federal judges; that is all. Those Federal courts are so crowded that an effort is being made now to create two more judgeships in order that the regular work of the Federal courts may go forward. What I want to bring out is that the Federal courts are so crowded now that they can not do this work of naturalization. In consequence, the machinery of naturalization has broken down.

Mr. ROBINSON. Mr. President, will the Senator yield for a question there?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Arkansas?

Mr. COPELAND. I yield.

Mr. ROBINSON. I understand the Senator's statement to be that making use of both State and Federal courts the machinery has broken down, and persons who desire to apply for naturalization have been unable to do so by reason of that fact.

Mr. COPELAND. Yes.

Mr. ROBINSON. If, then, the amendment proposed to this bill to which the Senator is now addressing himself is agreed to, it will have the effect of depriving the State courts, in part, at least, of their ability to deal with this subject and make the condition even worse than that which now exists.

Mr. COPELAND. That is true.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. WALSH of Massachusetts. Would it apply to other jurisdictions than New York City?

Mr. COPELAND. Yes; it applies to Jersey City, and it applies to Chicago; but of course it is felt more in New York City than anywhere else, because of our particular circumstances.

Mr. KING. Mr. President, will the Senator yield?

Mr. COPELAND. I yield to the Senator.

Mr. KING. I have not examined the amendment. Is the effect of it to deprive the State courts of New Jersey, Chicago, and New York City of all jurisdiction to handle naturalization cases?

Mr. COPELAND. I do not think it takes away jurisdiction, but it does away with the machinery necessary, the clerks and clerical aid necessary to go on with the work, as I shall point out in a moment.

Mr. SMITH. It does not make an appropriation?

Mr. COPELAND. It does not make an appropriation. This $20,000 which is made available here is to be used for the employment of clerical help in the State courts, largely in my own city of New York.

Last year, because of a theory put forth by one Mr. Crist, of the Department of Labor, who has charge of the naturalization work, it was decided that this work should no longer be done in the State courts, and there was provided a naturalization bureau in New York City, in Manhattan and Brooklyn.

The appropriation used for the clerks, and so forth, was cut off from the State courts. What has happened? Persons applying for citizenship are taken into a little room 20 feet square, in the hall of records in Brooklyn, crowded into that place, and in the Federal building in Manhattan. Those persons are required to wait out in the hall until they come into a small room. Only Saturday, by a strange coincidence, a gentleman was in my office in New York, where I was on Saturday, and he said, "I just came from the Federal building, and I am outraged to find the way in which we welcome new citizens to our country. The little room in that building where extra jurors sit is the room where these prospective citizens are received to sign their petitions. I was outraged to find that those people were waiting in the hall to come into this room where these other crowds were, embarrassed, unfamiliar with our ways, told to sit down and sign their names; and they were treated like dogs." That is the way it was put by this friend of mine.

I want the Senate to hear not what I say about it, not what my friend said to me about it, but what was said about it by the Brooklyn Citizen on December 18 in an article signed by Mr. Dore, the manager of this paper. The article has the heading "Hundreds herded like cattle wait all day for citizenship papers. Inadequate facilities cause persons forced to stand hours in stuffy hall to leave place in disgust." I would like to have this article read. I think Senators should hear it.

The PRESIDENT pro tempore. Without objection, it will be read.

The reading clerk read as follows:

CONDITIONS IN FEDERAL NATURALIZATION BUREAU HERE ARE UNDER FIRE—HYLAN SIDETRACKED RELIEF, MCAVOY TOLD—HUNDREDS HERDED LIKE CATTLE WAIT ALL DAY FOR CITIZENSHIP PAPERS—INADEQUATE FACILITIES CAUSE PERSONS FORCED TO STAND HOURS IN STUFFY HALL TO LEAVE PLACE IN DISGUST

(By Arthur G. Dore)

The baptism of discomfort to which prospective citizens are subjected at the Federal naturalization bureau in this borough starts new Americans off with pride in American institutions.

The utter lack of facilities, dreadful ventilation, the absence of writing space, pens, and ink, and failure to provide seats cause a deluge of complaints to be heaped upon the Government by hundreds of persons who are forced to stand for hours each day in the stuffy hall on top of the post-office building in Washington Street.

For the prospective citizen to submit to all the inconvenience to which one is put at the bureau speaks volumes for his determination to be an American and the high value he places on American citizenship.

In no branch of the Federal, State, and municipal governments in this city are conditions so bad as in this bureau. The responsibility for the situation lies between Congress and the Secretary of Labor. Local authorities are handicapped by miserly appropriations, cut to the bone in the name of economy.

Perhaps no man in the Federal Government knows more about naturalization work than Merton A. Sturges, a Brooklyn man, who has given his life to a study of the naturalization question, and who is in charge of the work in this district. His territory includes most of New York State and metropolitan New Jersey. For this tremendous work he is allowed $100,000 a year. In return the Government receives $300,000 in fees. He is powerless to remedy conditions here without funds.

In this borough Uncle Sam has provided an office about 20 by 20 feet in the Post Office Building for the purpose of handling the business of issuing first and second papers. An average of 400 persons visit the bureau each day that papers are issued. Some days the number totals 800. Since the office provided is too small in which to even seat the half dozen clerks assigned to the work here, four desks have been placed in the corridor on the top floor.

MANY, DISGUSTED BY LONG WAIT, LEAVE, NEVER TO RETURN

The crowd begins its drive on the place about 8 o'clock each morning. Those who come much after that hour are not only forced to be herded like cattle in a line all day but are likely to be turned away at 4 o'clock when the office ceases work for the day.

Seats to accommodate about 40 persons are in the corridor close to the three clerks whose duty it is to interrogate those seeking final papers and their witnesses. A seat, however, comes as a reward only after hours of standing. To add more seats would cause further congestion.

Many persons, disgusted and wearied by long hours of waiting, leave the place vowing never to make another effort to become citizens.

A frail woman, weakened by hours of standing, yesterday was carried toward the elevator in a faint.

GOOD WORK DONE BY GARVIN IS HURT BY CONDITIONS AT BUREAU

Because they are too busy filing papers the clerks have no time to answer the questions that puzzle some applicants. This causes further congestion, further delay, and finally retards the work of the office.

A board about 3 feet wide and about 2 feet deep, nailed to a wall provides a crude desk to which those seeking first papers are sent to fill out their application blanks. Three empty bottles decorated it yesterday. They had been empty at least a week. Some one said that they were brought into the building by applicants who, finding no ink

on the "desk," went out and purchased small bottles. There was no pen in sight. It is here that Uncle Sam expects his new nephews and nieces to perform the miracle of filling out citizenship application blanks without pen and ink.

For several years United States Judge Edwin L. Garvin has been devoting much of his own time to furnishing patriotic exercises on days when he admitted foreigners to citizenship. This work, fostered by Mr. Sturges, has been hailed as a splendid thing. But the conditions on the floor above Judge Garvin are such as to make mockery of his programs and leave the citizen-to-be in no frame of mind to be inspired by what transpires later in the judge's courtroom.

BLIND POLICY OF CLOSING ONE OFFICE HERE AT ROOT OF EVIL

Up to six months ago the Federal Government maintained two offices here for naturalization purposes. One of these was the present one. The other was in the office of the county clerk, located in the hall of records, where the Kings County government gave to the Federal Government free use of 3,000 square feet of floor space for offices. Heating and lighting were paid for by the local government. The Department of Labor bore only the expense of the salaries of clerks required.

Then the Washington authorities, for some mysterious reason, threw the hall of records courtesies into the face of the Brooklyn government and engaged expensive offices at No. 186 Joralemon Street. In a short while these were closed to cut down expenses. A commission sent here on a so-called economy expedition crippled the works, just as another commission from Washington bungled the Post Office Department here in the name of economy.

Even in the days of two naturalization bureaus, the task of handling the crowds seeking papers was no easy one. The blind policy of closing one office which the Government had without cost and shutting down the other without providing adequate working space and a sufficient number of clerks in the post office building, is the root of the present inconvenience to which prospective citizens must submit.

Mr. COPELAND. Mr. President, I have other material of the same sort, from other papers in New York. The point is that these persons who are applying for citizenship in this country, and who are entitled to it by reason of their preparation, are not being received in a hospitable and decent manner. In consequence I think this amendment suggested by the committee is a very unwise one.

This matter was given due consideration in the House, fought over there on all sides, and a unanimous report presented. I think any Senator who looks into the circumstances, and who understands the problems with which we have to deal in the city of New York, knowing how anxious we are to make real citizens of these persons coming to our shores, will be convinced that the provision proposed by the committee is unwise.

The money which is provided for in the lines stricken out by the amendment is to be used by the Secretary of Labor to hire additional clerks. Last year in one court where there was an expense of $42,000 there was an income of $100,000, an income far in excess of the amount paid out by the Government.

I beg Senators, in voting, to give consideration to the matters I have presented and to disagree with the amendment proposed by the committee. Let us go forward with our work of naturalization as we should.

Mr. WILLIS. Mr. President, will the Senator yield to me?

Mr. COPELAND. I yield.

Mr. WILLIS. I wanted to ask the Senator if he could state in a word what amount is involved in this amendment?

Mr. COPELAND. I suppose the chairman of the committee could better answer that than I, but I think it is about $50,000, with an income three or four times that, all of which is returned to the Federal Treasury.

Mr. WILLIS. Another question I want to ask. I am not able to determine from the hearings whether the persons to whom it is proposed to pay this money are officials of the Government of the United States.

Mr. COPELAND. They are employed by the county clerks of our courts, the courts in Jersey City, in Chicago, and wherever this work is done.

Mr. WILLIS. Then they are not officials of the United States, but are really State employees, officials proposed to be paid by Federal funds?

Mr. COPELAND. Under the direction of the Secretary of Labor, under conditions prescribed by him and in amounts which he approves.

Mr. WILLIS. Does the Senator think it wise for us to adopt a system whereby the Federal Government would spend its money to employ officials who are not officials of the United States, but are local, State, or municipal officials?

Mr. COPELAND. If it were possible to have enough Federal courts in New York to do this work, so that the courts would not be clogged and the work could be done by Federal officials, I would join the Senator from Ohio in saying that was desirable. That can not be done with only nine Federal courts in New York City. Without the aid of the State courts this congestion must continue. They are naturalizing now only about 200 a week in the Federal courts. That would be 10,000 a year and there are 100,000 waiting. It would take 10 years at the present rate to take care of the persons ready to apply for citizenship.

Mr. KING. Mr. President, let me ask the Senator from Ohio whether he sees any objection to pursuing a course which the Federal Government has pursued repeatedly since its foundation, to utilize State courts and State machinery, in some instances paying for the same, where it seeks to accomplish the end which the Government has in view. May I say to the Senator also that in the past we have employed State courts and the machinery of the State courts, and my understanding is that the Government has paid some of the expenses incurred in the naturalization of aliens where they were naturalized in the State courts.

Mr. WILLIS. If the Senator asks my opinion about it, I say to him in my judgment it is not good practice for the Government of the United States to undertake to have its functions performed by State or municipal officials. If there is need for additional assistance it ought to be provided for by Federal officials and not by the expenditure of Federal funds to pay local officials.

Mr. WALSH of Massachusetts. Mr. President, I would like to ask the Senator from New York if prospective citizens who petition the courts do not have to pay a fee to the State court?

Mr. COPELAND. They pay a fee of $4.

Mr. WALSH of Massachusetts. What becomes of those fees?

Mr. COPELAND. After the expenses of the court are paid, up to $3,000, the balance of the money goes to the Federal Government.

Mr. WALSH of Massachusetts. So that all of the fees paid by the applicants for naturalization do not go into the treasury of the State court?

Mr. COPELAND. Only up to $3,000.

Mr. WALSH of Massachusetts. That is the reason, I suppose, for the appropriation of funds by the Department of Labor to those State courts, which get only $3,000, to reimburse the State courts for their extra clerical help?

Mr. COPELAND. The Senator is right.

Mr. WADSWORTH. Mr. President, I have given some little study to this question, dating back about 18 months, and was somewhat familiar with the change made in the policy in New York a year or so ago.

Prior to a year or so ago—and I refer now merely to the situation in New York City—the Federal Government, through its appropriations, employed assistants to the county clerks in New York, Kings, and Queens Counties, those counties being the greater portion of the greater city of New York. It applied also, I assume, to Bronx County and to Richmond. Those county clerks' assistants are employed by the county clerks.

It was believed by the department that the work could be done more economically if the department employed its own assistants, with the result that about a year ago the Department of Labor established a naturalization office in those counties and employed its own assistants, installing them in these offices. It is the duty of those assistants to help the applicant for citizenship to fill out his papers, to give him advice, to look him over in a preliminary way to see if he is lined up all right, as it were, in the making of his application to the courts for citizenship. Both the Federal and State courts act in these matters.

At the time the change was made there was great congestion. Since the change has been made the congestion has been largely reduced, and it is interesting to know that while in former years the Government had been paying 37 assistants appointed by the county clerks, who did not keep up with the work, during this last year they have been employing only eight, and have caught up with the work to a very healthy degree. That I can show from the official records.

Mr. COPELAND. Mr. President, I suppose my colleague will also tell the Senate that in the meantime the supreme courts have worked overtime as a matter of accommodation in order to bring about that clearing of the docket.

Mr. WADSWORTH. And so have the Federal courts. But the courts can not work any faster than the assistants work. The machinery starts with these assistants, who help the applicant to fill up his application blank, and the speeding up has come from underneath and not from the courts. The courts have been keeping up with the assistants, but prior to

the time that the Federal Government took over this purely Federal function, as it should be, the work was falling behind.

My colleague has indicated that there is congestion there as a result of something like one year's effort on the part of the Federal Government to conduct the work. Here is the record. This is testimony given before the Senate Committee on Appropriations about 10 days ago:

Whereas there were pending at this time last year 19,500 petitions in the supreme court and the district court in Kings County—

That is Brooklyn—

to-day there are only 11,000—

They have gained 8,500 in that one county in less than one year—

that whereas there were pending in New York County—

Which is Manhattan—

in the Federal and supreme courts 21,000, to-day there are pending only 18,000—

They have gained 3,000 in one year there—

and whereas a year ago it took anywhere from 18 months to 3 years for a case to be disposed of, the bureau—

That is the Bureau of Naturalization—

is now disposing of them in 11 months.

That is the official record. I claim that is better treatment of our aliens than they have ever received before. When we consider that under the old scheme, where we employed 37 men instead of 8 at Federal expense, we were from one to three years behind in taking care of applications, whereas now we are only employing 8 men and we are only 11 months behind, it would indicate that it is better to do it under the auspices of the Federal Government. I think the Federal Government has proved its case.

Mr. JONES of Washington. In connection with what the Senator just said, though possibly he will reach it a little later, I want to call the attention of the Senators who are here to a statement by Mr. Crist, representative of the department, bearing out this very matter:

Petitions that were filed in October were heard this month. It takes now from the initial step of an alien just 11 months to have his petition set for a hearing and that includes the hearing date.

Senator JONES of Washington. Whereas it took how long before?

Mr. CRIST. Whereas it took an indeterminate time, anywhere from about a year to two and one-half years.

Mr. COPELAND. The answer is perfectly simple. The number of persons who get their applications filed is so small that they do not have any such problem to contend with. There are 50,000 people in Brooklyn waiting to get their applications which, if they could get them, would clog the Federal courts so they would never catch up.

Mr. WADSWORTH. I can not quite see the logic of my colleague in that regard. These people are passing upon more applications than they ever have before, and this has been the biggest year in the history of naturalization in New York City. That also is a matter of record, stated by the Commissioner of Immigration before a Committee on Appropriations.

As a matter of fact, under the old scheme it cost 55 cents a head to the Federal Government to naturalize an alien. Now it costs 20 cents a head under the scheme of having the Federal Government employ its own assistants to do the work and to do nothing else but that work.

Something has been said about the condition of the supreme courts, the supreme courts, of course, being the State courts having jurisdiction of the matter in the same way the Federal courts have jurisdiction. I have a letter from a supreme-court justice sitting in Brooklyn. The assertion has been made in my hearing on more than one occasion that for certain reasons the State courts in Greater New York did not feel willing to do this naturalization work unless the county clerk had the appointing of the assistants; that they did not feel willing to do it if the Federal Government employed the assistants directly; and that in fact they had intentionally slowed up taking care of naturalization cases. I am glad to say that the rumor was utterly unfounded and that the State courts have been proceeding just as they did before, doing the best they can with this problem. But, in any event, a letter was written to this justice asking him to indicate whether there was any truth in the suggestion that the supreme courts were unable to handle the work when it came to them through the assistants appointed by the Federal Government. He replied:

I have neither heard nor do I know of any injustice to applicants for naturalization papers based upon the claim that the employees of the Bureau of Naturalization can not do the preliminary work properly and promptly, as stated in your communication. The statement, however, that judges of the supreme court concur in such a claim surely can not refer to either statement or opinion by me.

The further claim that the judges will not pass these applicants along as expeditiously for the bureau employees as they will if the work is referred to the county clerk is also without foundation. I am sure the judges are interested only in the question of whether the applicant is entitled to be admitted, regardless of whether the application is filed with the bureau or with the county clerk. In any event, that has been my policy and attitude.

That is signed by Judge Lewis, of Kings County. I have a letter from another judge in Brooklyn, all of which I shall not read, because it is not necessary; but he uses this language:

I have felt that the work of the United States bureau in examining the applicants and their witnesses has always been of great help. This bureau can make the examination much more thorough and more fair as well, and can ascertain much more correctly whether the applicants possess the necessary knowledge and are of the desired character and standing. I have followed the practice in most of the cases at least of accepting the report of the United States examiner if it has been favorable, and have myself conducted very little examination of the applicants. To me this seemed to be the fair and better way to handle the matter.

There are two of the judges in the court referred to who make it very plain that the Government is doing excellent work.

I submit that the amendment offered by the committee should be sustained by the Senate. We will save something like $50,000 out of the appropriation, which money can be used anywhere else in the country to speed up naturalization work. Why employ 37 men in New York City when we can do the work with 8, and do it faster than it has ever been done before?

Mr. COPELAND. Mr. President, I want to say a few words in reply to my colleague. I have here a statement of Mr. Sturges, the chief naturalization examiner, as follows:

Naturalization department here is swamped. We can not expect to remedy conditions with our present machinery until Congress comes to our rescue.

Mr. WADSWORTH. What was the date of that?

Mr. COPELAND. December 23. I have the hearings before the House committee. My colleague has said there are eight examiners. Mr. Crist said, on page 109:

The number of naturalization examiners last October when this reorganization began was 27. * * * I have been over to New York * * * and as the result of these conferences * * * recommended the appointment of 20 clerks in addition to those heretofore had.

There was some criticism of conditions in the State courts, and I am sure my colleague and other Senators will be interested in a statement of Mr. Crist, of the Labor Department. Mr. OLIVER asked the question.

I will change that question, then, and will ask that you kindly collect the information which you state has heretofore been given to the committee—or which should have been given to the committee, if you did not do it—that shows that there has been ground for just complaint against the performance of duty under this allotment of funds, and which you now think justifies this change, and I will not ask that you put it into the record until after we read it. You may send it to the chairman of the committee, so that we can read it and see what parts of it are material and should go into the record.

Mr. CRIST. There is nothing of the character that has been reported heretofore to this committee that could be said now about the office force under Mr. Donegan, and the same is true in regard to Mr. Kelly's office. So far as integrity is concerned, and cleanness of administration, that is all right.

Mr. GRIFFIN. And the county of the Bronx also?

Mr. CRIST. Yes; let us include the county of the Bronx, too. I did not mean to omit any of them. You can include the Jersey City court, the common pleas court in Jersey City, and the two courts in Chicago. All of these clerks of courts have been, I think, spending their allotments conscientiously. But it is a fact that prior to Mr. Donegan's incumbency there was to my knowledge a laxity in the work carried on, and that is what I referred to as having been reported previously. * * *

I am sure when Senators understand that we are simply striving the best we can in our city to deal in a humane way, in a Christian way, with the people who apply for citizenship that they will put in our hands the funds necessary to go on

with the work. The statement made before the committee was that in the State courts it is now costing 20 to 25 cents per person, and those poor people pay in $4 apiece, so we will not lose anything. They are entitled to the most considerate and fatherly care of this great country of ours. They are the children of other nations who come here to get the benefits of our country. They have learned of our boasted liberty and of the humane spirit and kindness of heart of the people of America. So let us see to it that those who are entitled to our citizenship shall be given it without delay.

I ask Senators to vote down the amendment proposed by the committee and permit us to go on with our work.

Mr. WALSH of Massachusetts. I should like to ask the Senator in charge of the bill if there is any restriction whatever imposed by the amendment upon State courts in hearing and disposing of naturalization cases?

Mr. JONES of Washington. Oh, no.

Mr. WALSH of Massachusetts. The only thing the amendment does is to remove certain available Federal funds for clerk hire in the various State courts?

Mr. JONES of Washington. I think that is substantially correct. In other words, the work that is now done by the deputy county clerk will be done by representatives of the Bureau of Naturalization.

Mr. WALSH of Massachusetts. Why could not the situation be remedied by removing the limitation of the $3,000 in fees now awarded to the State courts? Why should not the State courts hold all the fees they get in naturalization cases?

Mr. JONES of Washington. Congress has not provided for that at all by legislation.

Mr. WALSH of Massachusetts. If we did that, then such cases as the junior Senator from New York [Mr. COPELAND] refers to would be taken care of because they could use the fees in the State courts to pay their extra clerical help.

Mr. JONES of Washington. I do not think the situation to which the junior Senator from New York has referred could be taken care of in that way at all. We are meeting, as the senior Senator from New York has said, the situation there under the present system far better than it was met under the other system carried on up until a little over a year ago. We are doing it more economically and more efficiently, at least, if we can place any reliance in the testimony of the representatives of the department. That is what Mr. Crist said very distinctly.

Mr. WALSH of Massachusetts. From my observation of the manner in which the Federal departments of the Government handle the naturalization problem it has been most satisfactory. The investigators of the Federal Government go into the State courts, appear when these petitions are heard, examine witnesses, and give the court the benefit of their judgment.

But I do want to take the position that I am opposed to any limitation or restriction upon the power of the State courts to hear naturalization cases or upon the accessibility of the State courts for applicants for naturalization.

Let me say that there are some sections of the country where a Federal court is hundreds of miles away from certain communities, while the State courts are in each county and are accessible to applicants for naturalization. It is altogether too expensive now for an immigrant or applicant to become naturalized. He has to leave his home and lose a day's pay to go to the court to file his petition. Then he has to come back in two years and bring two witnesses with him, when he again loses his day's pay and must pay the day's wages of his two witnesses. He must also pay the fee required and the traveling expenses required to and from the courthouse. So it already is a matter of from $25 to $50 for these poor people to become naturalized; and if the congested condition of which the Senator from New York complains exists, it means that the applicant and his witnesses must remain days about the court waiting to have their cases heard. That is not the way to treat people who are honestly and sincerely aspiring to American citizenship and who have been schooled and trained by Americanization societies and organizations to become American citizens. I want to put myself clearly in the position of being absolutely opposed to any effort to limit the fund designed to assist in hearing speedily and satisfactorily the petitions of applicants for naturalization.

Mr. JONES of Washington. Mr. President, just a word. I wish to say that it is the very purpose of the committee amendment to do just exactly what the Senator from Massachusetts wants done. If we can rely upon the testimony of the representative of the Government who has charge of these matters, he says that the work will be done much more quickly and much more economically and expeditiously in the manner proposed.

Mr. WALSH of Massachusetts. How can it be done more efficiently and economically if we are going to reduce the number of clerks who are going to prepare the petitions?

Mr. JONES of Washington. We are not proposing to do that; it is not proposed to affect the county clerks as well; the work necessary to get the papers ready for the county clerk is to be done by the representatives of the Federal Government, who are now doing it much more efficiently than the deputy county clerks can do it.

Mr. WALSH of Massachusetts. Then, I understand that the only difference between the Senator from New York and the Senator from Washington is that the Federal Government is going to employ the clerks to do the work that is now being done by the clerks of the State courts, who are reimbursed by the Federal Government?

Mr. JONES of Washington. The Federal Government is doing it now; it has been doing it during the present fiscal year by its agents, and has been doing it, as Mr. Crist says, much more economically and much more efficiently.

Mr. WALSH of Massachusetts. How can the clerks of the State courts and the clerks of the Federal Government be doing it together?

Mr. JONES of Washington. The Senator does not understand the situation. As I understand from Mr. Crist, there is certain preparatory work done in order to get the papers ready to file before the court. That preparatory work was formerly done by the deputy county clerks, but now that work is done by the representatives of the Federal Government; and when they get all the papers ready and everything in shape for presentation to the court, they take them to the county clerk, who files them and they go to the court. That work has been done far more efficiently and more economically under this system than heretofore.

Mr. WALSH of Massachusetts. The Senator, then, asserts that it has not resulted in any delay in hearing the cases of applicants?

Mr. JONES of Washington. On the contrary, according to Mr. Crist, it has hastened the work very materially.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move the Senate take a recess until to-morrow noon.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, February 10, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 9 (legislative day of February 3), 1925

POSTMASTERS

ARKANSAS

Emma W. Connaway to be postmaster at Forrest City, Ark., in place of P. K. Connaway, resigned.

CALIFORNIA

Wallace P. Rouse to be postmaster at Therman, Calif., in place of C. A. Porter, removed.

CONNECTICUT

S. Irving Frink to be postmaster at Brooklyn, Conn., in place of S. I. Frink. Office became third class January 1, 1925.

GEORGIA

Thomas W. Allgood to be postmaster at Logansville, Ga., in place of T. W. Allgood. Incumbent's commission expired July 28, 1923.

INDIANA

Glen P. Witherspoon to be postmaster at Francisco, Ind., in place of G. P. Witherspoon. Office became third class January 1, 1925.

IOWA

Martin T. Jensen to be postmaster at Grandmound, Iowa, in place of H. H. Ahliff, removed.

Clara Bentzinger to be postmaster at Donnellson, Iowa, in place of Chris Haffner, deceased.

Samuel A. McCreery to be postmaster at Clarion, Iowa, in place of D. H. Eyler, deceased.

KANSAS

William V. Stranathan to be postmaster at Kiowa, Kans., in place of Albert Woodmansee, removed.

KENTUCKY

Zelmer R. Hill to be postmaster at Jamestown, Ky., in place of Z. R. Hill. Office became third class October 1, 1924.

MAINE

Nettie A. True to be postmaster at New Gloucester, Me., in place of C. R. Atwood. Office became third class October 1, 1924.

MASSACHUSETTS

Clarence J. Conyers to be postmaster at Seekonk, Mass., in place of C. J. Conyers. Office became third class January 1, 1925.

MINNESOTA

Richard F. Lamb to be postmaster at Slayton, Minn., in place of R. F. Lamb. Incumbent's commission expired June 5, 1924.

Bernard O. Stime to be postmaster at Jasper, Minn., in place of J. P. Lund, removed.

Floyd C. Fuller to be postmaster at Grey Eagle, Minn., in place of M. E. Thompson, resigned.

MISSOURI

Ernest Young to be postmaster at Verona, Mo., in place of K. G. Thomas, resigned.

NEW JERSEY

John A. Carlson to be postmaster at Harrington, N. J., in place of J. F. Gleason. Incumbent's commission expired June 5, 1924.

Nicholas A. Chasse to be postmaster at South Orange, N. J., in place of S. B. Van Iderstine, removed.

Charles J. Newman to be postmaster at Newfoundland, N. J., in place of R. J. Vanderhoff, removed.

NEW MEXICO

Cora L. Vaughan to be postmaster at State College, N. Mex., in place of J. H. Vaughan, deceased.

NEW YORK

Isabelle M. Arquette to be postmaster at Parishville, N. Y., in place of I. M. Arquette. Office became third class January 1, 1921.

NORTH DAKOTA

Harry A. Hart to be postmaster at Ray, N. Dak., in place of Henry Branderhorst. Incumbent's commission expired April 23, 1924.

Elizabeth L. Stahl to be postmaster at McGregor, N. Dak., in place of E. E. Stahl. Office became third class October 1, 1924.

Florence M. Montgomery to be postmaster at Columbus, N. Dak., in place of T. G. Peterson, removed.

OHIO

M. Virgil Smith to be postmaster at Proctorville, Ohio, in place of W. A. Greer. Incumbent's commission expired February 24, 1924.

Cephas S. Littick to be postmaster at Dresden, Ohio, in place of J. E. McFarland. Incumbent's commission expired June 4, 1924.

George W. Overmyer to be postmaster at Lindsey, Ohio, in place of G. W. Overmyer. Office became third class October 1, 1924.

OKLAHOMA

Bert E. Irby to be postmaster at Haworth, Okla., in place of H. O. Whala, removed.

OREGON

Theresa Scott to be postmaster at Jordan Valley, Oreg., in place of Henry Scott, deceased.

PORTO RICO

Jose R. Sotomayor to be postmaster at Barceloneta, P. R., in place of G. R. Ferran, deceased.

SOUTH CAROLINA

James M. Byrd to be postmaster at Branchville, S. C., in place of J. M. Byrd. Incumbent's commission expired June 4, 1924.

TEXAS

Otto Pfefferkorn to be postmaster at Maxwell, Tex., in place of Otto Pfefferkorn. Office became third class January 1, 1925.

John T. Hall, jr., to be postmaster at Hacienda, Tex., in place of J. T. Hall, jr. Office became third class January 1, 1925.

VERMONT

Walter H. Akin to be postmaster at Beebe Plain, Vt., in place of C. F. Bayley. Office became third class October 1, 1924.

VIRGINIA

John H. Tyler to be postmaster at Upperville, Va., in place of J. A. Johnston, resigned.

Margaret H. Hardy to be postmaster at McKenney, Va., in place of M. H. Hardy. Office became third class April 1, 1921.

WISCONSIN

Albert J. Topp to be postmaster at Waterford, Wis., in place of William Shenkenberg. Incumbent's commission expired June 5, 1924.

James E. Robar to be postmaster at Walworth, Wis., in place of E. A. Peterson. Incumbent's commission expired June 5, 1924.

Wiliam H. Call to be postmaster at Strum, Wis., in place of C. E. Burton. Incumbent's commission expired March 22, 1924.

Libbie M. Bennett to be postmaster at Pewaukee, Wis., in place of L. M. Bennett. Incumbent's commission expired August 29, 1923.

Hugh S. Caldwell to be postmaster at Lodi, Wis., in place of G. I. Richmond. Incumbent's commission expired June 5, 1924.

Clem G. Walter to be postmaster at Kendall, Wis., in place of W. S. Hollister. Incumbent's commission expired March 22, 1924.

Hjalmar M. Johnson to be postmaster at Eau Claire, Wis., in place of C. F. West. Incumbent's commission expired March 22, 1924

Leroy G. Waite to be postmaster at Dousman, Wis., in place of F. C. Krueger. Incumbent's commission expired March 22, 1924.

Lawrence A. Fjelsted to be postmaster at Colfax, Wis., in place of J. D. Burns. Incumbent's commission expired August 29, 1923.

Jessie Loescher to be postmaster at Salem, Wis., in place of Jessie Loescher. Office became third class April 1, 1924.

John J. Kocian to be postmaster at Milla, Wis., in place of F. A. Malin. Office became third class July 1, 1923.

John I. Edwards to be postmaster at Hazel Green, Wis., in place of T. P. Edwards, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 9 (legislative day of February 3), 1925

UNITED STATES DISTRICT JUDGE

Benson W. Hough to be district judge, southern district of Ohio.

UNITED STATES ATTORNEYS

F. Edward Mitchell to be United States attorney, district of the Canal Zone.

Emory R. Buckner to be United States attorney, southern district of New York.

POSTMASTERS

ALABAMA

John F. Morton, Tuscaloosa.

IDAHO

Eudora D. Blood, Dover.

William C. Quarles, Gibbs.

OKLAHOMA

Joseph T. Dillard, Waurika.

NORTH CAROLINA

Joseph C. McAdams, Elon College.

PENNSYLVANIA

David R. Whitehill, Strattonville.

WITHDRAWAL

Executive nomination withdrawn from the Senate February 9 (legislative day of February 3), 1925

POSTMASTER

Leona M. Haffner to be postmaster at Donnellson, in the State of Iowa.

HOUSE OF REPRESENTATIVES

MONDAY, *February 9, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The Lord God who gives us life replete with blessings, do Thou give us hearts replete with gratitude and fill them with Thy Spirit. Be gracious with us in our sins and impress us with the peace and with the happiness of the upper and the better way. Adapt Thy wisdom to our weakness, Thy knowledge to our ignorance, and Thy mercy to our failures. Send Thy richest blessing upon this whole company like an impartial sunlight. Be the guest of every fireside, the Great Physician to every family, the guide to every pathway, and the Divine Comforter to all. Amen.

The Journal of the proceedings of Saturday last was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 5726) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes.'"

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4056. An act to provide for an additional district judge for the western district of Michigan.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 555) for the relief of Blattmann & Co.

The message also announced that the Senate insisted upon its amendments to the bill (H. R. 9343) authorizing the adjudication of claims of the Chippewa Indians of Minnesota disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HARRELD, Mr. CURTIS, and Mr. ASHURST as the conferees on the part of the Senate.

The message also announced that the Senate insisted upon its action and amendments to the amendment of the House of Representatives to the bill (S. 876) to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. HARRELD, Mr. MCNARY, and Mr. ASHURST act as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 466. An act to amend section 90 of the Judicial Code of the United States, approved March 3, 1911, so as to change the time of holding certain terms of the District Court of Mississippi;

H. R. 4971. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

H. R. 11282. An act to authorize an increase in the limits of cost of certain naval vessels;

H. R. 7144. An act to relinquish to the city of Battle Creek, Mich., all right, title, and interest of the United States in two unsurveyed islands in the Kalamazoo River;

H. R. 11367. An act granting the consent of Congress to the county of Allegheny, in the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania; and

S. 555. An act for the relief of Blattmann & Co.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 5197. An act to amend section 71 of the Judicial Code, as amended;

H. R. 5558. An act to authorize the incorporated town of Juneau, Alaska, to issue bonds in any sum not exceeding $60,000 for the purpose of improving the sewerage system of the town;

H. R. 10404. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes; and

H. R. 10528. An act to refund taxes paid on distilled spirits in certain cases.

BRIDGE ACROSS WABASH RIVER AT VINCENNES, IND.

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of S. 3722, to authorize the county of Knox, State of Indiana, and the county of Lawrence, State of Illinois, to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of a Senate bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The Chair is informed that this is an emergency measure and for that reason has recognized the gentleman. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the county of Knox, State of Indiana, and county of Lawrence, State of Illinois, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Wabash River, from a point in the city of Vincennes, Knox County, Ind., to a point in Lawrence County, in the State of Illinois, at a point suitable to the interests of navigation in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. GREENWOOD. Mr. Speaker, I desire to offer an amendment, which I have taken up with Senator WATSON.

The SPEAKER. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GREENWOOD: Page 1, line 3, strike out the words "county of Knox," and in the same line strike out "county of Lawrence," and insert the word "the."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is now on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The title of the bill was amended to read as follows: "A bill to authorize the State of Indiana and the State of Illinois to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind."

DISTRICT OF COLUMBIA BUSINESS

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of District business. Pending that, I would like to ask unanimous consent, inasmuch as the first three bills to be taken up were unanimously reported by the committee, that general debate on those three bills be limited to one hour, one half to be controlled by myself and the other half to be controlled by the gentleman from Texas [Mr. BLANTON].

Mr. CRAMTON. Mr. Speaker, reserving the right to object, will the gentleman state what the bills are?

Mr. ZIHLMAN. I will say to the gentleman from Michigan that the first bill is a bill regulating the sale of milk in the District of Columbia, the second is a bill creating a board of general welfare in the District of Columbia, and the third is a bill providing for the elimination of the dangerous crossing at Lamond Street, in the District of Columbia.

Mr. CRAMTON. I think, Mr. Speaker, that those are matters of more or less importance, especially one or two of them, and I shall have to object to that request.

Mr. BLANTON. Regular order, Mr. Speaker!

Mr. CRAMTON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. ZIHLMAN. Will the gentleman from Michigan withdraw his point of order so that I may make another motion?

Mr. CRAMTON. I withdraw it for the present.

Mr. ZIHLMAN. Mr. Speaker, I withdraw my motion, and I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2803) regulating the sale of milk in the District of Columbia. Pending that motion, I ask unanimous consent that debate be limited to one hour, one-half to be controlled by the gentleman from Texas [Mr. BLANTON] and one-half by myself.

The SPEAKER. The gentleman from Maryland asks unanimous consent that debate be limited to one hour, one-half to be controlled by the gentleman from Texas [Mr. BLANTON] and one-half by himself. Is there objection?

Mr. LANKFORD. Mr. Speaker, reserving the right to object, may I inquire when we shall probably take up the bill for the regulation of traffic in the District of Columbia?

Mr. ZIHLMAN. I will say to the gentleman that the bill is not yet on the calendar. It has been reported, but I find it is not on the calendar.

Mr. BLANTON. It will be in about two weeks.

The SPEAKER. Is there objection?

Mr. LANKFORD. Further reserving the right to object, I would like to ask the gentleman from Maryland whether or not the House will have an opportunity to discuss the bill fully when it does come up?

Mr. ZIHLMAN. Yes; the House will have the opportunity to fully discuss the measure.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not anticipate I shall, the general welfare board bill is a matter of great importance. Is it the idea of the gentleman to cut short general debate on that measure or will there be full opportunity for debate?

Mr. ZIHLMAN. I will say to the gentleman from Michigan, speaking for myself, that I will give full opportunity for debate when that bill is reached.

Mr. CRAMTON. I want the gentleman to be able to speak for more than himself; I want him to speak for the committee.

Mr. ZIHLMAN. I will say to the gentleman that the pending motion, of course, relates to the milk bill.

Mr. CRAMTON. That is very true. I am not concerned about debate on the first measure, but I do not want the gentleman to make a motion cutting short debate on the next bill.

Mr. LINTHICUM. Mr. Speaker, I make the point of no quorum.

The SPEAKER. It is clear there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 56]

Anderson	Favrot	Logan	Roach
Ayres	Fish	McFadden	Rogers, Mass.
Barkley	Frear	McKenzie	Rogers, N. H.
Berger	Fredericks	McLeod	Rouse
Black, N. Y.	Gallivan	McNulty	Sanders, Ind.
Bloom	Gifford	Mead	Sanders, N. Y.
Britten	Gilbert	Michaelson	Schafer
Buckley	Glatfelter	Miller, Ill.	Schall
Carter	Goldsborough	Mills	Sears, Nebr.
Casey	Graham	Minahan	Sproul, Ill.
Celler	Griest	Moore, Ill.	Strong, Pa.
Clark, Fla.	Griffin	Morin	Sullivan
Clarke, N. Y.	Haugen	Nelson, Wis.	Tague
Cleary	Hawes	Newton, Mo.	Taylor, Tenn.
Cole, Ohio	Huddleston	Newton, Minn.	Thomas, Okla.
Collins	Humphreys	O'Brien	Treadway
Connolly, Pa.	Johnson, W. Va.	O'Connell, N. Y.	Tydings
Corning	Kelly	O'Connor, N. Y.	Vare
Croll	Kendall	Oliver, N. Y.	Ward, N. Y.
Cullen	Kent	Paige	Weller
Cummings	Kindred	Perkins	Welsh
Curry	Kunz	Perlman	Wertz
Davey	Langley	Phillips	Wilson, Ind.
Dempsey	Larson, Minn.	Porter	Winslow
Dominick	Lea, Calif.	Quayle	Wolff
Edmonds	Lee, Ga.	Reed, Ark.	
Evans, Iowa	Lindsay	Reed, W. Va.	

The SPEAKER. Three hundred and twenty-five Members have answered to their names; a quorum is present.

Mr. CHINDBLOM. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The doors were opened.

SALE OF MILK IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I renew my motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2803) to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 2803, with Mr. CHINDBLOM in the chair.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. LAMPERT].

Mr. LAMPERT. Mr. Chairman, for several years many who have given most thought to the subject have believed that there should be regulations to insure and place beyond doubt the milk, cream, and dairy products generally which are disposed of and used in the District of Columbia. Legislation for that purpose has received and now has the support of the District authorities, including the able health officer of the District. The pending bill, the main features of which were embodied in the measure introduced in the House in the first session of the present Congress, has passed the Senate and now awaits action here. The House committee has recommended the approval of the bill, with one or two slight amendments which do not modify it in any substantial way, and will offer one or two other similar amendments so as to make its meaning entirely clear.

The bill, should it become a law, will not injure or prejudice any legitimate interests, but will guarantee the people of the District against the probability of risking the use of unwholesome milk or milk products of any description. To this end it will enlarge, but not in any unfair or drastic manner, the authority of the health officer. While the bill is lengthy, it is not in any degree radical. I may say in passing, when it was considered in the Senate it had the active support of Senator COPELAND, who is recognized as one of the best informed public-health workers in the country.

It also had the support of Senator GLASS, of Virginia, who is himself engaged in the dairy business as an owner of a herd of high quality. The bill met with no opposition in the Senate. It has the unanimous support of the District Committee, and up to the time of its being reported no opposition to it had developed, as is stated in the report.

Any lengthy discussion is unnecessary and would simply serve to waste the valuable time of the House. I can do no better than refer to the report, which explains the general purpose of the bill and its various sections, and in addition ask that the Clerk read in my time a letter of commendation which I have received from the District health officer.

In addition to what I have said, I may further state that the general subject to which the bill relates has been very thoroughly considered by subcommittees of the District Committee, where all of those were heard who desired to present their views, and has been as laboriously and carefully considered as any measure which the District Committee has presented to the House.

I ask unanimous consent, Mr. Chairman, that the letter of the health officer of the District be read by the Clerk.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the letter from the health officer of the District of Columbia be read by the Clerk. Is there objection?

There was no objection.

The Clerk read as follows:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
HEALTH DEPARTMENT,
Washington, February 4, 1925.

Hon. FLORIAN LAMPERT,
House of Representatives, Washington, D. C.

MY DEAR MR. LAMPERT: The activities of the health department of this District in its efforts to provide a safe and wholesome milk supply for its people are regulated by "An act to regulate the sale of milk in the District of Columbia, and for other purposes," approved March 2, 1895.

Since the enactment of this legislation many important changes and improvements in the methods of the production and handling of the milk supply of large cities have taken place. In order to keep pace with these modern methods the health department realized some

time ago the need for new legislation on the subject, and therefore prepared a bill which, it is believed, would meet the situation.

This bill, which was submitted to the commissioners and approved by them, was at their request introduced April 1, 1920, in the House of Representatives during the second session of the Sixty-sixth Congress by the Hon. CARL MAPES, the then chairman of the House District Committee. Hearings on this bill were subsequently held, but the measure failed to get before the House for action during that session of Congress. At the time the hearings on this bill were held quite a little opposition developed on the part of the milk producers as well as the local distributers.

Notwithstanding this opposition, the bill was again introduced at the first session of the Sixty-seventh Congress, and the subcommittee appointed for the purpose conducted extensive hearings on the bill; and while the committee at the conclusion of the hearings made a favorable report on the measure, it again failed to come before the House for action during that session of Congress.

In the meantime a number of conferences were held between the health officer, the milk producers, and distributers and a compromise was reached. The language of the original bill was modified to meet some of the objections which had been made against it, and it was again introduced in the first session of the Sixty-eighth Congress in both the Senate and in the House of Representatives. No further hearings, however, were held on the subject; and on June 3, 1924, the bill, after being amended in certain particulars, was passed by the Senate. This bill as it passed the Senate has been considered by the House District Committee and, with one or two minor amendments, was favorably reported to the House for action.

The general purpose of the bill is to insure a supply of pure and wholesome milk and certain milk products for sale and use in the District of Columbia. Briefly, the measure provides that only milk and cream produced or sold in this District shall come from dairy herds that are tuberculin tested annually to demonstrate their freedom from tuberculosis.

It establishes a standard of milk and cream which may be produced or sold in this District.

It provides that permits to ship milk into the District of Columbia or to be produced or handled therein shall be renewable annually.

Under the provisions of the bill the health officer is authorized to suspend any permit when, in his opinion, the public health is endangered by an unwholesome milk supply.

The bill exempts from its operation the shipping of milk or cream into the District of Columbia solely for manufacture into ice cream, but provides that all such milk or cream must meet the specifications of an authorized milk commission of a State board of health.

The health officer, with the approval of the Commissioners of the District of Columbia, is empowered to make rules and regulations from time to time to carry out the purposes of the act.

All milk wagons engaged in the transportation of milk or cream in this District must have the name of the owner painted legibly thereon.

The bill also provides that all containers of skimmed or reconstructed milk or cream shall be labeled in such manner as to plainly indicate the exact nature of its content.

All cases of communicable disease and all suspected cases of such diseases occurring on any dairy farm licensed to ship milk into the District of Columbia must be promptly reported to the health officer of the District.

The bill also defines the meaning of "milk," "cream," "pasteurized milk," "raw milk," "certified milk," "reconstructed milk," "skimmed milk," and "ice cream."

The sale of all milk, cream, or ice cream which does not comply with the definitions described in the act is prohibited in this District.

The health officer is authorized under the provisions of the bill to make rules and regulations governing the pasteurization of all milk and cream sold or offered for sale in the District of Columbia.

The interference with the health officer or any of his duly appointed representatives in the performance of the duties imposed upon them under the provisions of the act is prohibited under penalty.

Distributers of all milk and cream sold in the District of Columbia must keep posted in their places of business the names of persons from whom milk or cream is being received by them.

Distributers of milk or cream in the District of Columbia are prohibited from receiving any milk or cream from any person until such distributer has first ascertained from the health department that such person is licensed to send or bring milk or cream into said District.

Certain penalties are prescribed in the bill for violations of the provisions of the act.

This bill has the approval of the authorities of the District of Columbia, and its enactment into law will, it is believed, secure for the citizens of this District a pure, clean, and wholesome milk supply. It is a well-recognized fact that milk is the most important of all our food products, and its purity and wholesomeness is essential in safeguarding the public health, more especially the children and invalids who so largely depend upon it for their nourishment.

I am not advised of any serious opposition to the bill in its present form, and know of no reason why it should not receive the favorable action of Congress, which I trust it may do when the measure comes up for final consideration.

Very sincerely,

W. C. FOWLER, M. D., *Health Officer.*

Mr. BLANTON. Mr. Chairman, I ask recognition as a member of the committee.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, I think this bill is a fairly good one and should be passed. It has been suggested that there should be offered, on page 3, line 10, a new proviso requiring all milk that is retailed to consumers in the District of Columbia to be pasteurized except when otherwise prescribed by a physician.

Mr. RANKIN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. RANKIN. I am not a medical man, but as I understand it, pasteurized milk is heated to about 140 degrees.

Mr. BLANTON. And then cooled to a certain temperature.

Mr. RANKIN. For general purposes would not that be a bad proposition?

Mr. BLANTON. One of our leading health officers has stated that proper pasteurization is a safe and sanitary way to handle milk.

There is some difference of opinion as to pasteurization removing certain vitamines, or whatever you may call them, out of the milk, and some doctors would prefer for certain patients that the milk be not pasteurized, and where they can control the handling of the milk from the time it comes from the cow until it reaches the consumer, that is all right, but doctors do not control the thousands and thousands of gallons of milk that go to the poor children of the city.

Mr. LAZARO. Will the gentleman yield for a question?

Mr. BLANTON. I yield to the gentleman.

Mr. LAZARO. How would that compare with similar laws throughout the United States?

Mr. BLANTON. Some of the large cities in the United States comparable with Washington require milk to be pasteurized is my understanding.

Mr. WATKINS. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WATKINS. Why not have the milk which is pasteurized labeled as such and the milk that is raw milk labeled as such, and then you can get what you want? Having been raised on a farm, the gentleman knows that there is nothing better in the world than raw milk. Many people want pasteurized milk for babies; but why not have that which is pasteurized labeled as such, so that when you want it you will know exactly what you are getting. It seems to me absurd to have all milk sold in the District of Columbia pasteurized.

Mr. BLANTON. I will state to my friend from Oregon that having been raised on the farm and having seen a great many cows pailed on the farm for quite a number of years, I would prefer the milk I drink here to be pasteurized.

Mr. RANKIN. Will the gentleman yield for a suggestion?

Mr. BLANTON. Yes.

Mr. RANKIN. Pasteurization changes the taste and the flavor of milk to a great extent.

Mr. BLANTON. I doubt that, where properly pasteurized.

Mr. RANKIN. I will tell the gentleman how I know that. I happened to be one of the victims here who buys pasteurized milk to feed our baby, and I have drunk some of it, and I can tell the gentleman that it changes the taste of the milk to such an extent that it is hardly palatable for a grown person. It makes you feel as if you were in a hospital.

Mr. BLANTON. I buy pasteurized milk in Washington for my children, and they prefer it to any other kind. I want to say that it will keep sweeter for from 24 to 48 hours longer than milk that is not pasteurized.

Mr. WATKINS. The gentleman can get all the pasteurized milk he wants and not force everyone to buy it. Some people do not want pasteurized milk and they have to pay more.

Mr. BLANTON. In some cities they notify the people to boil their water. Why? To make it pure. Whenever you pasteurize milk and bring it up to a certain heat, you remove certain impurities from it. If I am not right let my distinguished physician friend from Louisiana [Mr. LAZARO] say so. Whenever you pasteurize milk to a certain heat, and then put it through the cooling process afterwards, certain germs are removed from the milk. It is for the benefit of the many little children of Washington who have no access to the doctors that I am thinking of.

Mr. LAZARO. Why do you not move to amend to have the milk labeled, so that those who want pasteurized milk can get it, and those who do not can have it without pasteurizing?

Mr. BLANTON. If my distinguished medical friend will prepare an amendment I will adopt it without ever reading it, because I know he will prepare a proper amendment.

Mr. LAZARO. I think that should have been done in committee. Is not the gentleman a member of the committee?

Mr. BLANTON. I do not know anything about germs, I do not know anything about the proper preparation of milk; I am only acting upon what medical advice has been given me; we have to follow the medical men whether right or wrong. I follow the medical men in medical matters, I follow lawyers in legal matters, I follow dentists in dental matters.

Mr. LAZARO. The gentleman will understand that when milk goes through the process of pasteurization the germs are destroyed; but there are some people who do not like it.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WHITE of Kansas. I would like to ask the gentleman a question. In this District and nearly all over the United States the tuberculin test is made frequently, once every year at least, and is usually regarded as sufficient to protect the public health. What does the gentleman think about that?

Mr. BLANTON. The advice I have received from distinguished medical authority was to the effect that if there should be any tuberculin germs left in the milk, if they were to get by the test, pasteurization would come nearer to removing them than anything else, and it is safer for the little children of the city. I happen to know that on the 2d day of November in Washington the Chestnut Farms Dairy milk was sold for 14 cents a quart, and at that very time the Black dairy milk was sold at the Sanitary stores for 10 cents a quart, and the price raised shortly after that date. Why was it that there was 4 cents difference between the price of these two milks?

Mr. RANKIN. Let me say this, that if the gentleman buys pasteurized milk instead of paying 10 or 14 cents a quart, he will pay 30 cents a quart.

Mr. BLANTON. Some, like the Walker-Gordon may charge 30 cents, but the Chestnut Dairy Farms sells it for 14 cents a quart.

Mr. RANKIN. If the gentleman buys the Walker-Gordon milk, the kind I buy, he will pay 30 cents a quart.

Mr. BLANTON. Oh, the gentleman is out of our class, if he uses Walker-Gordon milk; he is up in a class by himself.

Mr. RANKIN. I buy the kind the doctor recommends.

Mr. BLANTON. The gentleman from Mississippi is buying milk under the prescription of a physician for little children.

Mr. LAGUARDIA. The Walker-Gordon milk is something more than pasteurized, and, besides, they furnish milk from the same cow. We use it in New York, and it is not an article of luxury.

Mr. BLANTON. If you pay 30 cents a quart, it is a luxury. Mr. Chairman, I reserve the balance of my time, and I yield 20 minutes to the gentleman from Texas [Mr. HUDSPETH].

Mr. HUDSPETH. Mr. Chairman, the matter that I wish to discuss is rather akin to the subject under consideration, as they both come from the cow, and I ask unanimous consent that I may proceed for 20 minutes out of order.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union and engaged in general debate, and the gentleman does not have to have unanimous consent.

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee, for many months before the convening of the Congress it was heralded in the press that the President had called a farm conference for the purpose of recommending legislation for the benefit of agriculture and the livestock industry.

On January 14 this conference, of which the distinguished gentleman, who is president of the National Livestock Association, Fred H. Bixby, was a member, made a recommendation, and I will read you a portion of it, to the President, which was transmitted by him to the Congress, and certainly he expected immediate and favorable action:

> The cattle industry is suffering from the lack of tariff protection, from competition with hides, meats, products from foreign countries, produced by cheaper labor and under different standards of production.

Mr. Chairman, although that recommendation was submitted to the President on January 14, up to this good hour, so far as I have been able to learn, there has not been a bill introduced by the majority party, composed of Republicans, who are responsible for legislation in this House, asking for a duty on hides.

I have just read the discussion which took place in this House in July, 1921, when the tariff on hides was placed in the bill in Committee of the Whole and taken from it by a record vote, after the bill had been reported back to the House from the committee. At that time my distinguished colleague from Texas, and friend, Mr. WURZBACH, rather twitted the Democratic Members on this side, and asked those of us who were in favor of a tariff on hides to come over and sit on the Republican side, that the water was fine and sparkling, and that we should enjoy taking a plunge into the Republican pool, that all our former sins would be washed away; though they had been as scarlet, they would now be whiter than snow. Now, just think of that coming from a Republican!

Well, from a careful perusal of the vote on that question, of which there were 173 "yeas" for a duty on hides and 241 "nays" for the removal of that duty, there was not a single Member from the great New England States voting for a tariff on hides, only three from New York, four from Pennsylvania, and none from New Jersey, all manufacturing States.

Could not my colleague and friend from Texas [Mr. WURZBACH], who is sincerely in favor of a duty on hides, with the same propriety and consistency, suggest to those gentlemen on his side, who voted for free hides, that they come over and sit on the Democratic side, and participate with the majority of the Members on this side, who were against a duty on hides, notwithstanding our party has never been a free raw material party but one time—1892—and it will never commit that folly again?

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. WURZBACH. Is it not a fact that the Republican Membership voted in favor of a tariff on hides until the Democrats and some Republican Members voted to take the tariff off shoes and leather? Is it not a fact that before that time we did have the support of the Republican Membership for a tariff on hides?

Mr. HUDSPETH. I do not so understand. Mr. Chandler, of Oklahoma, offered the amendment in Committee of the Whole to place a 15 per cent ad valorem duty on hides, and it carried by a vote of 154 to 92, and these same gentlemen from New England, as I understand, at that time voted against the tariff on hides, as they are shown to have voted on the RECORD vote.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. BLANTON. Here is the fact. In the committee, just as stated, the committee, by a tremendous vote, voted a tariff on hides. Then we came out of the committee and a roll call vote was had on that amendment, and my Republican friend from Texas [Mr. WURZBACH] voted to take it off, and the RECORD shows it.

Mr. HUDSPETH. Oh, no! I beg the gentleman's pardon. I have the RECORD here in my hand. Mr. WURZBACH is recorded as voting for a duty on hides and the RECORD of July, 1921, shows that he made a speech for a duty on hides.

Mr. BLANTON. Then I am glad that he was with us then.

Mr. HUDSPETH. I see my good friend from New York [Mr. CROWTHER] here, who at one time, when I challenged his vote on hides, not holding the RECORD in my hand at that time, said that he voted for a tariff on hides. But the RECORD I hold here in my hand shows the good doctor, the gentleman from New York [Mr. CROWTHER], who is a great protectionist on the industries of his own back yard but a free trader on the products of the farmer and livestock producer, voting with the bunch from "Cape Cod," "Plymouth Rock," and the "Green Mountain boys" against any sort of duty on the old farmer's cowhide. But they all voted for a duty on certain leather goods.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. CROWTHER. I did vote for that, but the amendment, as introduced, had a clause left out of it that had always been in there, and that is, that it was to refer to the bovine species, and that put a duty on a lot of my people——

Mr. HUDSPETH. But the gentleman did not vote to retain it, when the roll was called. Here is the "cold gray document" that has haunted many a weary politican.

Mr. CROWTHER. I did. And I voted against it when they would not change it.

Mr. HUDSPETH. But the gentleman did vote for a tariff on harness and saddlery over a certain value, 35 per cent ad valorem; gloves, both men's and women's, 50 per cent and not more than 75 per cent ad valorem; leather bags, baskets, belts, satchels, card cases, pocketbooks, jewel boxes, portfolios, parchments, moccasins, leather-covered pocketbooks, leather-covered whisky flasks, women's sewing sets, leather-enameled upholstery, leather bags, straps, football coverings, glove

leather, sheep, goat, and calf, leather dressed and finished, and manicure sets, from 50 per cent ad valorem down to 25 per cent ad valorem.

I do not know whether the gentleman believes in manicuring or not. I do not know whether he has ever had his shapely fingers manicured. If so, it was for the good of the cause—not that he cares anything for his fingers. But the poor, dainty, much overworked young lady who sat there polishing his nails had to pay a duty of 40 per cent ad valorem on her leather manicure case. And yet the gentlemen says he wants to equalize the tariff!

I am glad to see that my friend from Oregon, Mr. HAWLEY, a Republican stalwart for protection, is here. He is on the Ways and Means Committee, and he strenuously opposed a duty on hides. He introduced in that discussion enough figures to make an old Populist orator in his "palmiest days" actually get on the shady side of the street and mop his brow in consternation and bewilderment, and say to my friend from Oregon, "Come hither and sit on the throne of Populism. You are head and shoulders above us all in mathematics." "Cyclone Davis" in his halcyon days never produced such an array of figures as my friend from Oregon when he attempted to show that the consumer was the man that paid this duty. And yet I want to say to my friend from Oregon that when the tariff was taken off hides in the Payne-Aldrich tariff bill, a Republican measure, every Democratic Congressman from Texas voted against the removal of that tariff except one, including both Senators from my State. And so far as that one is concerned, the jimson weed and the sunflower have been growing over his political grave from that hour to this.

Yet, almost from the very hour the tariff on hides was removed, boots and shoes have steadily advanced in price to the consumer. And at the same time the gentlemen from the manufacturing States voted for heavy duty on leather goods.

Mr. CROWTHER. Oh, no. The gentleman wants to be fair. I did not do anything of the kind.

Mr. HUDSPETH. I refer to the Payne-Aldrich tariff bill. Go look up the RECORD. I will get it for the gentleman and read it to him.

Mr. CROWTHER. Oh, that is all right. But that is ancient history.

Mr. HUDSPETH. No doubt the gentleman would like for it to remain very ancient, but before I get through I am going to make it extremely modern to the gentleman and others of his school of thought from the icebound coast of Cape Cod.

Mr. CROWTHER. Oh, that is where a Democrat always roams—in among the gravestones.

Mr. HUDSPETH. Yes. I am going to continue to roam around in Republican graveyards; that is, they would like for their many political sins and misdeeds to remain buried. But I have my pick and shovel to-day, Doctor, and I am going to uncover your political past until it haunts you by day and disturbs your slumbers by night. You say you stand by all these Republican measures of discriminating.

Mr. CROWTHER. I stand by the principles of the Dingley bill, and a little higher, if necessary.

Mr. HUDSPETH. But one day the gentleman was not standing by, when I did not have the RECORD. But I have the RECORD to-day, and the gentleman has to "stand by." He can not "get from under." He is a great protectionist. He is willing to tax the old farmer 50 per cent above the fair price on a pair of shoes. Yet he would only give him a duty amounting to about 25 cents on his hide. I mean the entire hide—not 25 cents a pound.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. WURZBACH. It is a fact, is it not, the gentleman from Texas, Mr. BLANTON, to the contrary notwithstanding, that I spoke in favor of a tariff on hides, and that I voted in favor of it?

Mr. HUDSPETH. Oh, yes; I read the gentleman's speech a few days ago in the RECORD.

Mr. WURZBACH. Has the gentleman the RECORD there to show how the Texas delegation voted on that tariff?

Mr. HUDSPETH. Six for a tariff on hides.

Mr. WURZBACH. How many against?

Mr. HUDSPETH. The rest of the delegation.

Mr. WURZBACH. An overwhelming majority of the Texas delegation representing that great State of the Union voted against a tariff on hides.

Mr. HUDSPETH. I am not criticizing my colleagues from Texas. They have a right to their own views, as I have to mine. Why did not the gentleman ask his New England colleagues to come over and sit on this side (the Democratic) when he was extending such a cordial invitation to gentlemen who believed in a tariff for revenue at that time, and that it should be equitably distributed and every industry should share, and share alike, to go over and sit there on his side? Why did not the gentleman extend the same invitation to gentlemen in favor of free hides but a duty on the manufactured article on his side, to come and sit over here on our side? The gentleman voted for a tariff on hides. He is consistent. My friend from Oregon said it was not profitable in the ultimate for the old farmer.

I met some of you Republicans on the stump last year when I was campaigning for the greatest Democrat that we have nominated since the days of "Old Hickory" Jackson—John W. Davis. What did you say then? You said: "Oh, do not listen to Hudspeth. We are stronger for a tariff on hides than he is. We are in the majority and control legislation. We will go back to Congress and put a duty on hides and help the cattlemen, whose industry is prostrate, and whose business is bankrupt."

Have you introduced a bill to help redeem that promise? Not one. But you carried New Mexico by a pretty fair margin for your President by reason of that promise, because you said you were in favor of a higher duty on hides. And you carried a great many other western States, where the cattlemen cast a big vote. But you have not made a move to keep faith with them.

President Coolidge is for a duty on hides, in spite of the fact that he comes from the heart of New England. But he is President of all the people, and I believe sincerely wants to help the cattleman.

Mr. FREE. I desire to call the attention of the gentleman to the fact that the California delegation has introduced such a bill.

Mr. HUDSPETH. I am glad to know that. How far has it gone, I would like to ask the gentleman? You know it will never be even considered by the Ways and Means Committee at this session, don't you?

Mr. FREE. Introduced last week.

Mr. HUDSPETH. Yes; but how far has it gone or will it go? I know that the able chairman of the great Ways and Means Committee, my friend, Mr. GREEN, is recorded here as voting against a duty on hides. How far do you expect to get with your bill? Any Member can introduce a bill.

Now, gentlemen, I am backing up the Democracy of my State. The Democracy of Texas has never declared in any of her platforms for free raw materials, if my memory serves me right.

Mr. FREE. Will the gentleman yield?

Mr. HUDSPETH. We are consistent when we say this duty should be equitably distributed, and that every industry should share, and share equally, in its benefits. It means it will help the farmer and the livestock grower. You should not pay too great heed to my friend from Oregon [Mr. HAWLEY], when he says it will increase the price of shoes to the consumer. Go and read the hearings before the Committee on Ways and Means when the present Fordney-McCumber bill was being considered, and you will find there that one of the biggest Boston shoe manufacturers said that if you place a 15 per cent ad valorem duty on hides it would not be reflected in the price of shoes, said it could not be charged up to the consumer. That is what he said. That is in the record. Go and look at it, you gentlemen who claim that it will add to the cost of shoes to the consumer. Has taking the duty off hides reduced the price of boots and shoes? No! You well know ever since the tariff was taken off under the Payne-Aldrich tariff that shoes have been higher than they have been in the history of this country. You know it has not lowered the price to the consumer.

Mr. FREE. Does the gentleman believe that a Democratic tariff for revenue only would be high enough to help the farmer in a tariff on hides?

Mr. HUDSPETH. I do. I say to you that for 60 long years my party stood for that doctrine, and we remained in power as long as we declared for that policy. In 1842, the Whigs, from whom you sprang, passed a tariff act, with the thread of free raw material running through it, and the Democrats in the succeeding election elected the greatest Democratic majority in Congress that ever sat in this Capitol before the Civil War.

Mr. MORGAN. Will the gentleman yield?

Mr. HUDSPETH. I have only a short time. Will not the gentleman excuse me? If I had time I would be glad to yield to every gentleman on this floor, and especially Republicans who voted for free hides.

Mr. MORGAN. The gentleman said that a duty on hides, as stated by a manufacturer, would not be reflected on the finished product?

Mr. HUDSPETH. That is what he said. Go and read the hearings.

Mr. MORGAN. Do I understand the gentleman to accept that as a general principle?

Mr. HUDSPETH. I accept full value for all the gentleman said, and in the face of what has transpired since the duty on hides was removed. And the gentleman knows since the tariff was taken off hides under the Payne-Aldrich Act, we have paid the highest prices for boots and shoes in the history of this country.

I can not yield longer because I want to discuss this tariff question at length, but if the gentleman will contradict my statement, I will yield. If the gentleman will rise and state that since the tariff was taken off hides under that act boots and shoes, and, in fact, all kinds of leather goods, have not been higher than ever before, I will agree to yield to the gentleman.

Mr. MORGAN. I agree with you.

Mr. HUDSPETH. All right; sit down then; do not bother me any more. Do not take up my time if you agree with me. [Laughter.]

Now, gentlemen, what did they do under the Fordney-McCumber Act in regard to the tariff on leather? They took the tariff off hides. They said: "We will reduce the price on shoes that go to the consumer, but on harness and saddles that the farmer uses we will place a duty of 35 per cent ad valorem. That is under the Fordney-McCumber Act. On thermos-bottle covers, used by both men and women, 50 per cent ad valorem. Those are made from hides and skins. On leather belts and bags they charge 50 per cent ad valorem, but on hides it is all free. On belts, card cases, pocketbooks, jewel boxes, and on the moccasins that the old Mexican peons and the poor Indians wear upon their feet, 50 per cent ad valorem.

But the old farmer and stock raiser gets not one cent to prevent his coming in competition with the pauper labor of South America and other foreign countries. We pay our cowboys a decent wage. They do not.

The following table, furnished by the Department of Commerce, shows the steady increase in the importation of hides after the duty was removed therefrom in 1907, which shows a marked increase from that time:

Number of hides imported

1911	4,833,685
1912	8,736,297
1913	6,313,213
1914	7,743,303
1915	11,286,436
1916	12,550,744
1917	11,182,892

Oh, the gentleman from Illinois [Mr. RAINEY], although a Democrat, if I have his position correct, is in favor of free hides. He made the statement the other day that we had foolish leadership here on this side—or probably I might say "bad" leadership—and that it was equally as foolish, or bad—probably he used the latter term—in the last national campaign.

Now, of course, it is not necessary, gentlemen, for me to defend the leadership, the statesmanship, and the democracy of my colleague from Texas [Mr. GARNER], who believes a duty should be placed on hides. For the RECORD shows that he voted for a 15 per cent ad valorem duty on hides in 1921. And he believes in a tariff for revenue. He has served his district well and faithfully over a long period of years, probably longer than has the distinguished gentleman from Illinois his district.

And as to the statement that our leadership was exceedingly bad in the last national campaign, let me ask you and the gentleman if it were foolish to follow a man whom the great democracy of this Nation had chosen as its standard bearer, a Democrat without spot or blemish upon his democracy, a lawyer who that great Chief Justice of the Supreme Court, Judge White, now deceased, stated was the ablest lawyer who ever appeared before that tribunal; who represented this Government as Solicitor General and who tried more cases in five years than probably any other Solicitor General has tried in a period of 20 years; who represented this Government in the Harvester Trust case, in the Pipe Line case, in the Anthracite Coal case, and in the Midwest Oil case, the successful outcome of which permitted the President to withdraw thousands of acres of public lands, containing valuable mineral and oil deposits; in the Steel Trust case; a man who was twice tendered by the President of the United States an appointment on the Supreme Bench; a man who was honored by the President of the United States by appointment as ambassador to Great Britain, and although defeated as our standard bearer emerged from the contest without spot or blemish upon his record. I refer to that greatest of living Democrats, the Hon. John W. Davis, of West Virginia. [Applause.]

I do not think it was bad leadership to follow in the wake of a man who said, "I stand for a competitive tariff." Now, gentlemen, as I understand a competitive tariff, it is a tariff that enables the industries of this country to come in competition with the pauper labor of foreign countries. In other words, it is a tariff for revenue equitably levied for the benefit of every industry of this country, and one that does not discriminate against any. That is what my party and I have always contended. That is the policy we have always advocated—a tariff for revenue only.

Now, under the Fordney-McCumber Act, passed by a Republican House that had 176 majority, belts, gloves, and so forth, were taxed as high as 50 per cent ad valorem. Catgut was taxed 30 per cent. I do not know whether any of you gentlemen have ever stood on the old puncheon floor. Perhaps some of you have, and you may have noticed a gentleman perched on a goods box in the corner, who sang out: "Gentlemen, salute your partners, lady on the left," to the stirring strains of Yankee Doodle, Turkey in the Straw, Arkansas Traveler, or Hell Broke Loose in Georgia [laughter]; and on the strings of the fiddle across which he pulled that bow, that made the best music that ever thrilled the soul of mortal man or woman, he had to pay a duty of 30 per cent ad valorem. Yes; he had to pay a duty of 30 per cent on the catgut strings. But the old farmer who produced the hides that went into the shoes that knocked the dust from that puncheon floor, not one cent of duty did he get. [Laughter.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I yield to my colleague five minutes more.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes more.

Mr. HUDSPETH. You gentlemen on the Republican side are responsible for the legislation here, and you won the Northwestern States by misleading the farmer and passing a law, the Esch-Cummins bill, under which to-day he is driving his cattle through the country, instead of shipping them by rail. Here are two clippings that I want to insert as a part of my remarks, where it is shown that some stockmen drove their cattle 125 miles in order to cut out the railway transportation cost. They said it cost $7.30 a head to ship their cattle, and they saved $1,000 by driving the cattle rather than shipping them.

STOCKMAN DRIVES CATTLE 125 MILES TO CUT RAIL COST

KANSAS CITY, Mo., January 31.—Cowboys driving cattle herds across Kansas are not yet of the past, according to Earl Barker of Fowler, Kans., a witness on behalf of livestock men, plaintiffs in their plea before an Interstate Commerce Commission examiner here for a reduction of 50 per cent in freight rates of livestock west of the Mississippi River. Barker owns 12,000 acres of cattle land in Meade and Clark Counties.

He said that he drove a herd of 700 cattle across the prairies from Higgins, Tex., to Fowler last spring to escape what he termed exorbitant freight rates.

"What's the distance?" asked J. H. Mercer, Kansas livestock commissioner.

"About 125 miles," answered Barker.

"Do you figure you saved money by not shipping them by rail?" Mercer asked.

"I figure I saved $1,000 at least," replied Barker.

Barker said that he has paid as much as $7.35 a head for transporting cattle from ranges to his grazing lands, thence to his feed lots and finally to market. He is in the cattle business to-day, he said, merely because he had been able, in better days, to amass enough reserve to keep him going.

Arnold Berns, Peabody, Kans., who owns 16,000 acres and leases 15,000 more out in the "short grass" country of western Kansas, said that cattlemen in that region hold onto their business in "the eternal hope that a break for better prices would come."

CATTLEMEN ASK FREIGHT SLASH—INTERSTATE COMMERCE EXAMINER IS TOLD 50 PER CENT CUT IS NEEDED

KANSAS CITY, February 1.—A 50 per cent decrease in livestock freight rates would aid cattlemen materially in their fight against adverse conditions, witnesses testified before an Interstate Commerce Commission examiner here on a plea for such a reduction.

"Yes," said E. E. Frizzell, of Larned, Kans., a State senator and lifetime cattleman; "I believe a freight decrease would help. It wouldn't solve a bad puzzle, but a 50 per cent reduction, say, would help considerably."

Mr. Frizzell said that he had quit raising calves on his 21,000-acre ranch.

"The sale prices did not pay expenses," he said. "To use my equipment, then, I went to grass-fattening steers bought in the Texas Panhandle. I've lost money on them.

"Two-thirds of the cattle operators in my community have quit business. They ran out of reserve capital, which I am using to defray losses."

You said you would lower the freight rates. Have you done that? What steps have you taken, I will ask the gentlemen on this side [the Republican]? What steps have you taken to reduce freight rates, as well as increase the tariff on hides? These men have to drive their cattle over the trail. And if any of you gentlemen here desire to know anything about the hardships of the trail and of frontier life on the range and in the cow camp, just go down to the Columbia Theater and see that excellent picture, "North of 36," where they drive that herd, in the sixties, from southern Texas to Abilene, Kans. You may gather from that picture that the men engaged in the cattle business are not traveling on a bed of roses, by any means.

Yet when you took the duty off hides you had no concern for that old cowman. It was the hothouse plant in New England you desired to protect.

As a matter of revenue, when a duty of 15 per cent ad valorem was placed on hides under the Dingley Act, we collected $30,000,000 in revenue, I will say to my friends from New England, but under the duty on shoes we collected only $2,000,000. Yet, after a duty was placed on hides, the export trade was increased from $160,000 on boots and shoes, where the manufacturers of this country can make them cheaper than anywhere else in the world, to $11,000,000, so that it did not hamper the exporter in the least.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. WURZBACH. I notice there were only 26 out of 173 Democrats that voted for the tariff on hides, or about 15 per cent. Do you not think that is a very small proportion of Democrats who voted for a tariff on hides, and do you not think your lecture ought to be directed principally to the Democratic side of the House?

Mr. HUDSPETH. How about 30 Republicans from the New England States who voted for free hides? And 36 more Republicans from New York and New Jersey, and about 20 from Pennsylvania, where the big manufacturer has his situs? [Laughter.] But my friend from Texas on the other side has his sights a little high; there were only 119 Democrats in the House at that time.

Mr. WURZBACH. I think these Republicans ought to be talked to; but the greater portion are on your side.

Mr. HUDSPETH. I am talking to Democrats also; but your party claims to be composed entirely of high priests of protection. Now, we believe in a tariff for revenue only, but we believe that that tariff should be levied equitably and all should share and share alike. In our State platform in Texas in 1896 we declared as follows:

We favor a tariff for revenue only, but in a sufficient amount, supplemented by other taxation, to meet the expenses required, so as to render it unnecessary to increase the public debt in any manner or form whatever. And we believe that the present tariff law, which lets into this country raw material free of duty and levies heavy duties on manufactured products, thus subjecting our agricultural and pastoral classes to competition with the world, while it enables the rich manufacturers, by means of combinations and trusts, to extort their own prices for their products from the people, violates the Federal Constitution, as well as the principles of the Democratic Party; that tariff duty should be levied and collected for the purpose of revenue only.

And the following is a plank from the national Democratic platform of 1896:

We hold that tariff duties should be levied for the purpose of revenue, such duties to be so adjusted as to operate equally throughout the country and not discriminate between class or section, and that taxation should be limited by the needs of the Government, honestly and economically administered.

The first thing to be observed in construing this platform—the national Democratic—is that it omits the declaration in favor of free raw material contained in the platform of 1892 and substitutes a demand that all tariff duties shall be so adjusted as to operate equally throughout the country without discriminating between any class or section.

That has always been the contention of the Democracy of my State, I will say to you, gentlemen, and I want to say now that that platform was prepared by that great Democrat, John H. Reagan, assisted by the great commoner, Governor Hogg, the first native Texan who ever occupied the office of governor, and approved by ex-Governor Culberson.

Now, my friends, let me say this to you: That those two great men, Judge Reagan and Governor Hogg, had some enemies in their lifetime. Party strife and party rancor ran rife while they lived. But all criticism and enmity was silenced at their graves. [Applause.] They were the men who insisted there should be a duty on raw materials as well as a duty on manufactured articles.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BLANTON. Mr. Chairman, I yield the gentleman five more minutes. Will the gentleman yield for a question?

Mr. HUDSPETH. Yes.

Mr. BLANTON. Is it not a fact that at the time we had a tariff on hides and collected $30,000,000 in revenue from it W. L. Douglas sold his famous shoes for $2.50 a pair?

Mr. HUDSPETH. Yes; he sold them cheaper by far than they are being sold to-day under free hides and since the Republican Party took the duty off hides.

Mr. SEARS of Florida. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. SEARS of Florida. Would the gentleman mind putting in his remarks the statement he has received from the Agricultural Department showing that in 1920 the price of cattle was, in round figures, $43 a head—which was when the Republican Party went into power—and that in 1925, the price, in round figures, was only about $21 a head?

Mr. HUDSPETH. And let me say to the gentleman that at the present time they will hardly bring the freight when shipped to market, and every cowman knows it. They are lying prostrate out there to-day, financially speaking, men who have been my friends in every political and financial undertaking; they are out there where they rear their children close to the heart of nature; where they build schoolhouses for the education of the young; where they build churches so that they can worship their Creator; and where they have cemeteries in which lie the ashes of their dead. Those are the men for whom I am talking, and those are the men who have been discriminated against by the provisions of the Fordney-McCumber Tariff Act.

Mr. SEARS of Florida. Will the gentleman yield further?

Mr. HUDSPETH. I can not yield further, because my time is going.

Mr. SEARS of Florida. But would the gentleman mind putting those statistics in the RECORD?

Mr. HUDSPETH. The following table furnished by the Agricultural Department shows the decrease in number and also the decrease in price of cattle (this does not include milk cows) the years 1920 to 1925, inclusive. The decrease in price is naturally responsible for the decrease in number:

Year	Total number	Value	
		Per head	Total
1920	43,398,000	$43.21	$1,875,043,000
1921	41,993,000	31.36	1,316,727,000
1922	41,977,000	23.79	998,772,000
1923	42,803,000	25.57	1,094,469,000
1924	41,720,000	25.06	1,045,523,000
1925	39,609,000	24.49	970,117,000

Mr. WURZBACH. Will the gentleman yield to me?

Mr. HUDSPETH. I will yield to my friend because he will see the light some day and he will come over on this side. He was reared right but he strayed into forbidden paths after he had grown up.

Mr. WURZBACH. I think I have seen the light and I think I can say with a great deal more propriety that the gentleman from Texas is going in my direction rather than that I am going in his.

Mr. HUDSPETH. I will say to my friend I have gone in the direction that my party went for 58 years, when your party had to peep in at the back door of the White House. From Jefferson and Jackson and on down I have traveled with my party. [Applause.] Andrew Jackson, I think the greatest Democrat the world ever produced, threatened to veto a tariff bill because it did not contain a duty on raw materials, and I have traveled according to his precepts.

Mr. WURZBACH. Will the gentleman yield further?

Mr. HUDSPETH. Yes.

Mr. WURZBACH. During the time that the greatest part of our revenue was produced through the customhouses I

could understand the term "tariff for revenue only," but at this time when our expenditures run from $4,000,000,000 to $5,000,000,000 a year and when we are receiving the greatest part of our revenue by way of income tax, I wish the gentleman would explain exactly what is meant in a tariff law by the term "tariff for revenue only."

Mr. HUDSPETH. I will answer the gentleman by repeating the statement made by Mr. Fordney, a staunch Republican, when he stood here and advocated his bill. He said it was necessary to collect through the customhouses $500,000,000 annually to properly run this Government. This is what he stated. I answer the gentleman by quoting the statement made by the gentleman who fathered the Fordney-McCumber Act.

Mr. TINCHER. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. TINCHER. Does the gentleman agree with his colleague from Texas [Mr. GARNER] in favoring a competitive tariff?

Mr. HUDSPETH. I am in favor of a tariff for revenue.

Mr. TINCHER. The gentleman knows what a competitive tariff is?

Mr. HUDSPETH. Well, I just stated what my conception of a competitive tariff is—one under which the industries of this country may compete with pauper labor of foreign countries and not be forced out of business. That is my conception of a competitive tariff. But it is not a high protective tariff such as the Republicans advocate.

Mr. TINCHER. Is there any difference between a competitive tariff and a tariff for revenue?

Mr. HUDSPETH. I do not see the difference. I want to state to the gentleman, and I want to say this in conclusion, that I am one who never scratched the Democratic ticket in all his life. When the Populists and the Republicans fused for governor—and they will fuse with anybody in Texas—and brought out the Hon. Jerome Kirby, Governor Culberson's election was in doubt until they heard from the Rio Grande. She was a little slow about coming in, but when she came in she came solidly Democratic and elected Governor Culberson by a good majority.

Oh, gentlemen, I am for a tariff for revenue, and I do not want the farmers and cattlemen discriminated against. You can find all kinds of theoretical zealots who will contend for impossible doctrines and madly attempt to control human nature and force it to bend its energies to the caprice of their wills, but I know by experience how futile in government and business is mere theory, and how strong and valuable is common sense.

I believe in that which has stood the strain and test of long experience and which has blessed us with its beneficence. Nor can I be expected to yield it for something impossible, impractical, and which comes recommended to us by those across the sea and in other countries whose interest it is to seek our ruin industrially and agriculturally, that upon said ruin they may build up their own trade, their own manufactures, and their own prosperity. Discrimination in any tariff bill against the producers of this country I will not subscribe to, but shall always strenuously oppose, no matter from what direction it may come. [Applause.]

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. CROWTHER].

Mr. CROWTHER. Mr. Chairman and gentlemen of the committee, it is not often that I burden the House with an attempt to make a speech of any kind, but I am led to do so this morning because of the statements made by my friend from Texas [Mr. HUDSPETH], coupled with the fact that this morning I was permitted to regale myself with an extension of remarks by the gentleman from Tennessee [Mr. HULL], as found in the RECORD. In those remarks I found statements made by the gentleman from Tennessee which astonished me. By reading of those remarks you will be led to believe that the Democratic Party left as a heritage to the Republican Party in 1921 all the money that was necessary to accomplish what has been accomplished in the line of reduction of expenses and economy. As a matter of fact, we inherited a debt of about $24,000,000,000, hundreds of new governmental activities with thousands of so-called deserving Democrats on the pay roll, a long period of industrial and agricultural depression, and 5,000,000 men and women tramping the streets in search of employment.

Mr. HULL charges the President with willfully broadcasting false statements and propaganda to the people of the country. In the very beginning and at three other places in his speech he makes the statement, which I think he ought to qualify, as leader of the Democratic Party, for he is, I believe, the chairman of the National Democratic Committee, and for a few moments he wielded the gavel at that great disaster in Madison Square Garden, New York, during July of last year. At three different places, in speaking of the system of high tariff taxation, he says:

> They found that antiquated, extortionate, inequitable, and class system of tariff taxation, a system which had been dictated by its own beneficiaries.

In several other places he refers to the fact that the tariff is named by its own beneficiaries, and says:

> If the American people would accurately appraise and understand the real attitude of the two political parties—

And so forth, and then goes on to say—and this brings him and the Democratic members of the committee within the purview of this statement—

> that in recent years tariff beneficiaries have been accustomed to give large campaign contributions and in return have been permitted to send their lobbyists to Washington and to write their own high and exorbitant rates.

I do not know what his definition of recent is, but if it is not confined by too many limitations it might be within the period during which the Democrats wrote the Underwood bill, and perforce he indicts himself and his Democratic colleagues on the Ways and Means Committee. The attitude of you men seems strange. I presume it is on account of your environment. It is due to the fact that you allow your judgment to be warped by your prejudice, that you can not see the light, and you are always talking free trade as you did in the 1918 campaign.

My opponent said to the people in my district, "He is an old-fashioned Republican. We Democrats, through our President Wilson, have taken the tariff out of politics and we have established a tariff commission to handle that question." He did not tell the people that the Tariff Commission is a fact-finding body; that they have no power to recommend; that there would still be a Ways and Means Committee, and that there would still be tariff bills and consequent protection to American industries.

Under Democratic administrations what have you people given to the country in the way of a tariff bill? What have you given us? There is no mention in Mr. HULL's speech of the bread lines and soup houses from the days of Cleveland to the Underwood bill which occurred all during your administration. During those periods by nonemployment and partial day service in the factories you reduced continually the purchasing power of the American men and women in this country who toil. That is what you have given us as a result of your free-trade policies.

Even your candidate for President in a closing 15-minute speech the night before the election, commiserated with the poor American woman housewife who stood there surrounded by the tax on aluminum and the tax on knives and forks.

Mr. HUDSPETH. Will the gentleman yield?

Mr. CROWTHER. I only have five minutes.

Mr. HUDSPETH. I yielded to the gentlemen.

Mr. CROWTHER. I want to say that under the Republican administration and under every tariff bill that has been written the American housewife has known something of the purchasing value of her dollar, and she remembers the day when she had to try to make $1—under a Democratic administration, and free-trade policy—do the work of the $2 that she should have had. You know you can not fool the American women very much. You Democrats tried to do that last year with your ridiculous deductions of the tariff question. You tried to fool the farmers, and you had about the same success as when you tried to have him accept the free-silver doctrine of your great convention disturber, Mr. Bryan. You can not fool our up-to-date American women, because Democratic free trade means an empty pay envelope, and that means that she and her children will be deprived of many of the necessities and luxuries that here in America we intend they shall have.

Mr. HUDSPETH. Will the gentleman yield for a short question?

Mr. CROWTHER. Yes.

Mr. HUDSPETH. Your President says he is in favor of a tariff on hides, and he comes from the heart of New England. Why do you not enact it?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ZIHLMAN. Mr. Chairman, I yield the gentleman two minutes more.

Mr. CROWTHER. I want just two minutes in order to answer that. I want to make my position clear on the hide question. Nobody doubts my attitude on the tariff question.

Mr. HUDSPETH. Not since we have heard the gentleman's statement.

Mr. CROWTHER. When that amendment was up and was voted on in the House, I will say to my friend from Texas, I supported it, presuming there would be a compensatory tariff on the manufactured product, boots and shoes and kindred articles. Let me say that shoe leather is now on the free list, and many things are made out of it besides shoes.

Mr. HUDSPETH. Will the gentleman yield?

Mr. CROWTHER. Let me first finish this statement. That amendment, either willfully or by inadvertence or in some other way, neglected to carry the language that had always been carried. You lawyers always say "inadvertently" because you never admit an error, but there was an error somewhere, and in the same bill there was a duty on wool, which was enacted at that time, and that made the people in my territory who imported sheep and lamb skins pay two duties, because they left out the language "of the bovine species," and they would not put it back in again. Therefore my people would have to pay a duty on the pulled wool from the skin and they would have to pay a duty on lambskins and sheepskins which would have entered the customhouse as hides the way the amendment was written, and under those circumstances I voted against it. When you are willing to put a duty on hides and make it of the bovine species only, which is the language that has always been carried, and give a compensatory duty on boots and shoes, I will vote with you for a duty on hides just as high as you want it.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BLANTON. Mr. Chairman, I yield the gentleman half a minute in order that he may answer a question. The gentleman talks about the Democrats fooling women; I want to ask the gentleman if it is not a fact that practically all of the Republicans are married men?

Mr. CROWTHER. That may be perfectly true, but I want to say to my friend that there are some women that marry a man to reform him, once, but they never marry a second husband with that same idea in view. They have helped the gentleman's party once, I remember, when your leader Woodrow Wilson promised to "keep us out of war." It will be many years before the women of this country can with any degree of confidence believe the promises of the Democratic Party and its leaders.

If the gentleman from Tennessee [Mr. HULL] knows who these people are that he claims come to Washington and either in person or through lobbyists write their own rates in our tariff bills, he should either publish their names or forever hold his peace on that particular subject. He belittles the committee of which he is a member when he makes such a statement. I wish that his speech might be in book form, so that in case the library should be short of copies of the tales of Baron Munchausen the extension of the gentleman from Tennessee might be substituted.

Mr. BLANTON. The gentleman from Minnesota [Mr. WEFALD] wants two minutes, and can not the gentleman from Maryland yield him that time? He is on his side.

Mr. ZIHLMAN. I yield to the gentleman from Minnesota [Mr. WEFALD] two minutes.

Mr. WEFALD. Mr. Chairman and gentlemen, I rise not to take any part in the tariff discussion, but I was very much impressed by the speech of the gentleman from Texas [Mr. HUDSPETH]. When I first became a candidate for Congress I met a farmer at one of my meetings and he wanted to know if I knew anything about the tariff law that you gentlemen passed here. I told him I did not. He said, "When you get down there ask them why they voted for a tariff on pump washers and took away the tariff on hides." That is a question I want to ask now, why did you do it? When the gentleman from Texas prints his speech for consumption at home I want him to print the little story that I am going to tell. It illustrates how a tariff on all kinds of leather goods and no tariff on hides affects the farmers. When the tariff was taken off of hides, and hides went down in price, a farmer went to town one day with a great big cowhide and sold it and received the magnificent sum of 85 cents. He said after he sold the hide he went down to the hardware store to buy two washers for his pump and he had to pay a dollar for them. He said, "What a fool I was. If I had known anything about the tariff law I could have cut the ears off the hide before I sold it and used them for pump washers and saved the dollar and the price of the hide." [Laughter.]

When the gentleman spoke of the tariff on catgut fiddle strings, I remind him of the fact that in Congress tariff laws are made by the men that do not pay the fiddler. I expect little benefit to come to the farmer in the passage of a new tariff law; there are no other interests that he can pool his interests with in order to get anything he wants into the bill, and his friends in Congress always disagree as to what the farmer needs in the way of tariff protection; the discussion here to-day has disclosed that. He has a few friends on both sides of the aisle here and not enough on either side to become a real factor here. I imagine if I am here when another tariff law is passed I am going to see party lines absolutely fade away. [Applause.]

Mr. BLANTON. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Chairman, we are considering a bill entitled the milk bill. I think it is extremely fitting that while we are deliberating on such a subject a debate on the protective tariff should have been provoked, because the high Republican protective tariff has been engaged in milking the American people ever since it was first enacted. I want to rise and defend my colleague the gentleman from Texas [Mr. HUDSPETH] against the castigation of the gentleman from New York [Mr. CROWTHER]. The gentleman from Texas charges the gentleman from New York with not having voted for a tariff on hides.

Mr. LOWREY. I want to say, in defense of the gentleman from New York, that he is candid enough to speak of the Democratic failure in New York as a disaster. I thought he ought to be given that credit; he was speaking from the standpoint of the interest of the people. [Laughter.]

Mr. CONNALLY of Texas. The gentleman from Texas charged the gentleman from New York with not having voted for a tariff on hides, while he voted for a tariff on articles manufactured from hides. That was of course a consistent charge. If the gentleman from New York really believed in a protective tariff, if he believed in the broad, philosophical doctrine that a protective tariff is beneficial to all the commerce and all industry of all the people of the United States and not to a little, favored, preferred, and selected group of interests in the United States that is comprehended within the congressional district of the gentleman from New York, then that was a pertinent question and a pertinent charge by my colleague. I believe that my colleague believes in the tariff policy that covers the whole country, but the trouble is that when he makes such a charge about the gentleman from New York that kind of philosophical question does not reach his political conscience. He admits it on the floor. Why, he said:

> Yes; I believe in a protective tariff on hides, provided that when you protect hides 15 cents worth you then put a compensatory duty on shoes, not at 15 cents, but many, many times 15 cents.

Mr. HUDSPETH. Fifty per cent on the value.

Mr. CONNALLY of Texas. On a basis of 50 per cent on the value. At the time the hides amendment was pending an ordinary cowhide was selling for $1.20.

Mr. HUDSPETH. And in many instances you could not get a sale.

Mr. CONNALLY of Texas. A cowhide was selling for $1.20, and a 15 per cent duty on it would have raised the tariff on one hide of one cow 18 cents. It was shown in the hearings and elsewhere that one cowhide would make several pairs of shoes.

Mr. HUDSPETH. Oh, the gentleman from Oregon [Mr. HAWLEY] admitted that it would make 12 pairs of shoes, and he voted to take the tariff off of hides.

Mr. CONNALLY of Texas. Well, we will call it 10 pairs. I do not want to accept the statement of the gentleman from Oregon, but I will discount it and say 10 pairs—10 pairs of shoes large enough to house the feet of the gentleman from West Virginia. Ten pairs of shoes. Now, let us suppose these shoes cost $4 a pair. I am talking about a conservatively low price on the shoes worn by the average of the American people wearing $4 shoes. If you are going to estimate the cost of shoes like the gentleman from West Virginia wears, it would probably be $16 or $20, because we know that the gentleman from West Virginia wears the very best.

Mr. ROSENBLOOM. The same hide would make four pairs of shoes for the gentleman from Texas.

Mr. CONNALLY of Texas. I am selecting the gentleman from West Virginia because it is well known that he stands in this House as the modern reproduction of that famous English character, Beau Brummel. [Laughter.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I yield the gentleman five minutes more.

Mr. CONNALLY of Texas. Ten pairs of shoes—not at an aristocratic price, but at a plebeian price of $4 per pair would amount to $40. If you levy only 10 per cent on $40 worth of

shoes, the tariff would be $4, but if you wanted to levy 50 per cent, as the gentleman from New York [Mr. CROWTHER] wants to do, according to the gentleman from Texas [Mr. HUDSPETH], you would levy $20 protective tariff on those 10 pairs of shoes that came out of one hide, and the farmer would get 18 cents protective tariff out of his part of the transaction. The constituents of the great broad-minded gentleman from New York who manufactures shoes would get $20 protective tariff in order to compensate them for the insignificant little 18 cents that the farmer would get.

My friend from Texas [Mr. WURZBACH] twits some of us Texans on the Democratic side for not voting for a tariff on hides. The majority of us did not vote for a tariff on hides. Why? It would have been to our immediate but temporary political advantage perhaps to have tried to further this fraudulent relief to our people, but we knew of the trap that the Republican side had set for us, and that the moment we voted for a tariff on hides there would come from the Committee on Ways and Means a compensatory duty, not for the purpose of compensating, but for the purpose of taking out of the other pocket of the farmer many times as much as the few coppers he might receive in one pocket from the duty on hides. We voted that way because we sensed the fact that this whole protective tariff theory is one of cold blooded selfishness—founded upon the rule that might makes right—to take from one citizen and give to another. We knew the gentleman from New York was not going to vote for a duty on hides, because we know he did not believe in the protective principle for all people, but only for the glove manufacturers who reside in his district and for the other protected interests that reside in his own district. And so he told the gentleman from Texas [Mr. HUDSPETH], "Why, yes; the trouble about hides was that you did not limit it to cow hides, and I have got some manufacturers in my district who use some other kind of skins." If it is right to tax cow hides with a protective tariff, why is it not right to tax all kinds of hides?

Mr. HUDSPETH. And they use the farmer's skin up there also.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. WURZBACH. I am wondering whether I am mistaken in the belief that my friend from Texas has declared himself on the floor of this House as being opposed to all sorts of the tariff, and that he is a free trader.

Mr. CONNALLY of Texas. I shall be glad to frankly tell the gentleman how I stand.

Mr. WURZBACH. I think that would be a consistent policy.

Mr. CONNALLY of Texas. My friend, Mr. WURZBACH, may be in favor of all kinds of protective tariffs that may be enacted by the Republicans. In abstract theory I am a free trader. However, in practice it is perhaps impracticable, since other countries have tariffs, and that policy has never been adopted by either one of the political parties in this country. My own party has never adopted it, and I stand with my party. If I were in power in this House, if I levied a tariff—and I would, because a revenue or competitive tariff is advocated by the party to which I belong—I would levy a tariff not on a few articles, not on some articles, but I would levy a revenue tariff on practically every article that comes through the customs, whether it be a raw article or a manufactured article.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. Will not the gentleman yield me two minutes more?

Mr. BLANTON. Mr. Chairman, this is District day, and I think we ought to get on with District business. We can fight out the question of the tariff at some other time. However, I yield the gentleman two more minutes, though I think we ought to go ahead with District business from now on.

Mr. CONNALLY of Texas. I thank the gentleman. I would levy that duty on practically all things that come through the customhouse for the purpose of raising revenue, and the reason I would levy it on all things that come through the customhouse is because I would desire each article and each product to bear its proper relative burden, and when I did that I would destroy the inequities and inequalities of the Republican tariff protective system, which is not based on that kind of theory, but which is based upon the theory that by taxing part of the people who receive no benefit from the tariff they are thereby enabled to enrich a few people represented by the gentleman from New York [Mr. CROWTHER] and other special interests in this country similarly represented.

Mr. WURZBACH. I want to know how much revenue the gentleman would derive under his system?

Mr. CONNALLY of Texas. I can not, of course, answer that question without estimates as to volume of trade and rates of duty.

Mr. HUDSPETH. We raised $390,000,000 under the Underwood bill.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman, I take the floor here in the interest of harmony. I do not think we ought to have any bad feelings over this tariff question. I take the floor particularly to call attention to the harmony that we have in the State of Texas. As I understand my friend, Mr. HUDSPETH, he is not only for a tariff but he had the nerve to say that he was for a tariff from the same platform where Mr. McAdoo denounced the tariff in his home State after the passage of the Underwood tariff law.

Mr. HUDSPETH. And the gentleman might add also that in my congressional district Senator UNDERWOOD carried 39 counties and Mr. McAdoo 1.

Mr. TINCHER. The last gentleman from Texas [Mr. CONNALLY] who rose to defend his colleague against an attack, as he terms it, by the gentleman from New York [Mr. CROWTHER], is not as nearly in accord with the gentleman from Texas, whom he rose to defend, as is the gentleman from New York.

He admits he is for free trade. He voted against a tariff on hides at the time when provincial New England was hiding behind the claim that they wanted a compensatory tariff on shoes. It was all bunk, and they know it [applause], because they do not import boots and shoes into this country, and when a man hunts that excuse for voting against a protection on hides he is simply hunting an excuse to agree with a letter or a telegram which he had received that morning from the manufacturer in his home district asking him to vote against it. I congratulate the country on the fact that though the present leader of the Republican Party, our President, comes from the heart of that provincial region he is big enough to stand out and recommend to this Congress that we put a tariff on the farmers' products even though it be upon the raw material. [Applause.] I think there is some consolation in the fact that Massachusetts has at last furnished a President of the United States who has the nerve to be a protectionist. Heretofore we have had about as many protectionists from Massachusetts as we have had from Texas.

I would like to agree with my Texas friends who are in the livestock business, the same as I am, but when I get behind JOHN GARNER on his competitive tariff—whatever that is—and try to follow CLAUDE [Mr. HUDSPETH] on the revenue tariff, and then Mr. CONNALLY of Texas undertakes to define their position and winds up in a declaration for free trade, and then I hear the president of the great Tariff League of America, Mr. Kirby, talk, I wonder if there are any two men in Texas who will agree on the tariff.

Mr. JOHNSON of Texas. There are a number.

Mr. TINCHER. We do not get many votes from Texas and the South for a protective tariff, and we do not get enough from New England, although the prospects are brighter. I want to repeat here that a man who votes against a tariff on hides, claiming to do so for fear it will raise the price on shoes, he is talking to his district [applause], and he is not talking from any information he has acquired by a study of the subject. Of course, to-day is the first time I ever had an understanding that the Underwood tariff law was a great protective measure. I did not know that hides were protected under it. I knew when we were about to repeal it and enact the Fordney-McCumber tariff law that hides were cheaper and shoes were higher than they had ever been in the history of the country, and I know the fact that the vote to put hides on the protective list has not reduced the price of shoes in this country.

Mr. HUDSPETH. If the gentleman understood me to say that hides were protected under the Underwood bill, he is in error; it was under the Dingley bill.

Mr. TINCHER. A Republican bill. There never was a Democratic tariff law that protected an agricultural product; there never was. Since the distinguished gentleman from Texas has had a position in the making of tariff bills, I understand he has always been able to take care of a little industry—mohair—and it has been protected. But that is a personal matter. The Democrats have never afforded the agricultural people of this country any protection on any article. [Applause.]

Mr. ZIHLMAN. Mr. Chairman, I ask for a reading of the bill.

Mr. BLANTON. Mr. Chairman, I yield three minutes to myself.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. BLANTON. The gentleman did not ask for any time.

Mr. ZIHLMAN. Will not the gentleman from Texas take five minutes later?

Mr. BLANTON. No. I want it now, but will only take three minutes, Mr. Chairman, unless interruptions should cause me to take more. I still have much of my hour unexhausted.

Lots of us Texas fellows are together on this tariff question, let me say to the gentleman from New York. Why you take Mr. GARNER, Mr. HUDSPETH, Mr. JONES, and myself, and possibly others that I could name, we voted for the emergency tariff bill because we believed that while we are for a tariff for revenue only, yet as long as we have to levy $500,000,000 and collect it through the customhouse, we just as well collect some of it upon some of the products of the farms and ranches and not all of it upon the finished articles of New England. Is not that a fair, square proposition? Is Mr. RAINEY, of Illinois, willing to say that is not a proper Democratic idea? No; he has to admit it. He will admit that we have to collect $500,000,000 a year through the customhouse. Why not levy part of it on farm and ranch products? Why do they want to put it all on manufactured articles of New England? I do not. Why is not Mr. RAINEY willing to let some of that $500,000,000 go on the products of the farms and ranches? These raw products of the farms and ranches will collect revenue just the same as the finished products of New England. Can any Democrat gainsay that?

Mr. CONNERY rose.

Mr. BLANTON. That is our position; is it not fair? Is there anything non-Democratic about that? That is all I want to say.

Mr. ZIHLMAN. Mr. Chairman, I ask for a reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act none but pure, clean, and wholesome milk, cream, or ice cream conforming to the definitions hereinafter specified shall be produced in or shipped into the District of Columbia or held or offered for sale therein, and then only as hereinafter provided.

Mr. LINTHICUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: On page 1, line 4, after the word "cream," insert the word "butter."

Mr. ZIHLMAN. I wish the gentleman would explain fully the purposes of his amendment.

Mr. LINTHICUM. Mr. Chairman, in the Sixty-first Congress my attention was brought to the fact that dairy products should have an inspection by the United States Government, either in cooperation with local government or alone, for the protection of the life and property of the people of the United States. The resolution was as follows:

A resolution providing for the appointment of five Members by the Speaker to investigate and report to this House—

A. Whether conditions prevailing in dairies and dairy products seriously menace the health and property of the citizens of the United States.

B. Whether Federal inspection and supervision, either alone or in cooperation with State and municipal inspection and supervision, is necessary to the reasonable protection of the health and property of the citizens of the United States.

C. If so, then the best and most economic methods of inaugurating and enforcing such investigation and supervision.

I am mighty happy that even though some years have passed we are now enacting a law which conforms to the spirit and letter of the resolution which I introduced at the request of Mr. John Ferguson and his coworkers in the labor organization of Baltimore. I shall support and vote for the bill wholeheartedly, but I shall do all in my power to make it cover the whole field by also including butter.

The resolution provided that five men should be appointed as a committee by the Speaker of this House, five Members of this House, to consider this resolution, to have hearings upon it, and to determine whether or not it should be enacted into law. Hearings were held before the Committee on Rules, but we were unable to have the resolution reported or considered.

It was shown at that time that while there were 22,000,000 milk cows in this country, yet 1 in every 10 was affected with tuberculosis. It was shown further that 6,000 children were dying in this country every year from bovine tuberculosis. While we were unable to get any action upon this resolution, we did, however, get appropriations for the eradication of tuberculosis, and in conjunction with the Committee on Agriculture, of which my personal friend from Nebraska, Mr. Sloan, was a member, we were able at that time to get $250,000 appropriated for the eradication of tuberculosis in cattle.

The following year we got $500,000 appropriated, and it might astonish some Members of this House to know that to-day the Agricultural appropriation bill contains an item of $3,560,000 for the eradication of tuberculosis in cattle. The result has been that this bovine tuberculosis has been wonderfully reduced—I think to $3\frac{1}{10}$ per cent of milk cattle—and that a far less number of children are dying to-day from bovine tuberculosis than in former years.

It was shown in that hearing that children under 5 years of age who died from tuberculosis constituted 26 per cent of those who died from tuberculosis contracted from cattle infected with bovine tuberculosis; that of those between 5 and 16 years of age 16 per cent died from bovine tuberculosis, and that 15 per cent of all tuberculous cases among children died of bovine tuberculosis.

It was shown clearly by men familiar with the subject that the bacilli can be carried through butter, and why we provide that milk and cream and ice cream should be pure, to eliminate butter, one of the great essentials, is more than I can understand.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. KELLER. Has the gentleman sufficient knowledge of the bill to know whether it includes butter?

Mr. LINTHICUM. Well, if you intend to include butter further on, it ought to include it in this paragraph, which denotes for what purposes the bill is being enacted.

Mr. KELLER. Does the bill as it is now written contain the word "butter"?

Mr. LINTHICUM. If it said anything concerning butter, it should be carried in this paragraph, so as to show that butter is also included in the provisions of this bill.

Mr. KELLER. Suppose we added the word "pasteurized." How could we enforce the law by putting it in the bill?

Mr. LINTHICUM. This bill says in its first section—

That from and after the passage of this act none but pure, clean, and wholesome milk, cream, or ice cream conforming to the definitions hereinafter specified, shall be produced in or shipped into the District of Columbia or held or offered for sale therein, and then only as hereinafter provided.

The hereinafter provision, providing inspection from outside the District, is lines 2, 3, and 4, on page 2, as follows:

Provided, That such milk or cream is produced or handled in accordance with the specifications of an authorized medical milk commission or a State board of health.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. Mr. Chairman, may I have three minutes additional?

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to proceed for three minutes additional. Is there objection?

There was no objection.

Mr. LINTHICUM. Why not say butter also, which is made of the raw product, if you want to protect the people of this District from the effects of impure milk products? If you are going to inspect these dairies, it is just as essential for our people to have pure butter as pure milk and cream. Sixty per cent of the bacilli is carried in the cream, and butter is made of this cream.

Mr. BRAND of Ohio. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BRAND of Ohio. Is the gentleman aware of the fact that the butter is not made here from the milk produced in the dairies that this bill covers?

Mr. LINTHICUM. I am. That is one of the troubles. The butter is made from milk and cream produced, in many cases, far distant from this District. Sometimes the milk is so fermented that it has been known to blow the top off the can, and yet you would inspect and investigate the farms and products of our near-by farmers and compel pasteurization; but if the butter comes here from far beyond, no matter how made nor how impure, it may come in without hesitation.

Mr. BRAND of Ohio. If we undertake to inspect butter, must we not go back to where the butter is produced?

Mr. LINTHICUM. No. It is provided that it should come under the supervision of the board of health of that State, as I have mentioned above, as provided by lines 2, 3, and 4 on page 2.

Mr. BRAND of Ohio. Does not the gentleman realize that ice cream is exempted under this law on account of the fact that they go off to a distance to get the milk?

Mr. LINTHICUM. Why should it be allowed to come impure because from afar? I think the District of Columbia ought to be paramount in all things, and that it ought to be paramount in the protection of the health of its people. It ought to be an example to all parts of the country, and nothing should be exempted that affects the health of the people of this District, whether from near-by or more distant States. What is sauce for the goose is sauce for the gander.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. MOORE of Virginia. Mr. Chairman, I think if the gentleman from Maryland [Mr. LINTHICUM] had worked on this bill as some others have done, he would not advance this proposition. All the butter that comes into the District moves in interstate commerce, and it is directly under the supervision of the Department of Agriculture. The Department of Agriculture establishes a standard and directs the tests that are to be made, and the Department of Agriculture acts in close cooperation with the authorities of the District of Columbia. There has not been any suggestion at all that anything can be accomplished by dealing with butter in this bill.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. LINTHICUM. I want to say to the gentleman that I do not know how hard his committee has worked on this proposition, but I know that I worked on it for years before the gentleman came here. On page 4 you provide—

Provided, That such milk or cream is produced or handled in accordance with the specifications of an authorized medical milk commission or a State board of health.

Why should not that be applied to butter?

Mr. MOORE of Virginia. Simply because there is no necessity, and the health officer of the District has not detected any necessity for that. As a matter of fact there is not any complaint at all, such as my friend from Maryland suggests, that impure butter is coming into the District.

Mr. LINTHICUM. Then that shows the gentleman has not read the hearings on these matters.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto do now close.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that all debate on this section and all amendments thereto do now close. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment offered by the gentleman from Maryland.

Mr. BOX. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection the Clerk will again report the amendment.

There was no objection.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken; and on a division (demanded by Mr. LINTHICUM) there were—ayes 7, noes 35.

Mr. LINTHICUM. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Maryland makes the point of order that no quorum is present. The Chair will count. [After counting.] One hundred and one Members are present, a quorum.

So the amendment was rejected.

The Clerk read as follows:

SEC. 2. That no person shall keep or maintain a dairy or dairy farm within the District of Columbia, or produce for sale any milk or cream therein, or bring or send into said District for sale, any milk, cream, or ice cream without a permit so to do from the health officer of said District, and then only in accordance with the terms of said permit. Said permit shall be for the calendar year only in which it is issued and shall be renewable annually on the 1st day of January of each calendar year thereafter. Application for said permit shall be in writing upon a form prescribed by said health officer and shall be accompanied by such detailed description of the dairy or dairy farm or other place where said milk, cream, or ice cream are produced, handled, stored, manufactured, sold, or offered for sale as the said health officer may require, and shall be accompanied by a certificate signed by an official of the health department of the District of Columbia, the United States Department of Agriculture, or some veterinarian authorized by the United States Department of Agriculture or the health department of the District of Columbia, detailed for the purpose, certifying that the cattle producing such milk or cream are physically sound, and in the case of milk or cream held, offered for sale, or sold as such shall in addition be accompanied by a certificate signed by one of the officials aforesaid certifying the cattle producing such milk or cream have reacted negatively to the tuberculin test as prescribed by the Bureau of Animal Industry, United States Department of Agriculture, within one year previous to the filing of the application: *Provided*, That a permit may be issued to a corporation, partnership, or mutual association to ship milk and cream under the same conditions as the individual shipper: *Provided further*, That the health officer may accept the certification of a State or municipal health officer: *And provided further*, That final action on each application shall, if practicable, be taken within 30 days after the receipt of such application at the health department.

With the following committee amendment:

On page 3, beginning in line 1, strike out all of lines 1, 2, 3, 4, and 5, and insert in lieu thereof: "*Provided*, That the word 'person' in this section shall include firms, associations, partnerships, and corporations, as well as individuals: *And provided further.*"

Mr. LAMPERT. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment to the committee amendment which the Clerk will report.

The Clerk read as follows:

Mr. LAMPERT proposes that the committee amendment, on page 3, be amended so as to read as follows: "*Provided*, That the words 'person or persons' in this act shall be taken and construed to include firms, associations, partnerships, and corporations, as well as individuals: *And provided further.*"

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin by way of a substitute for the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The question recurs on the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. LINTHICUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: Page 1, line 11, after the word "milk," insert "butter"; on page 2, line 1, after the word "milk," insert "butter"; on page 2, line 10, after the word "milk," insert "butter"; on page 2, line 22, after the word "milk," insert the word "butter."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment. This is a bill to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes. It has no reference whatever to butter, and the amendment is not germane.

The CHAIRMAN. The Chair will hear the gentleman from Maryland.

Mr. LINTHICUM. Mr. Chairman, this bill is to provide pure, clean milk products. It is true it mentions milk, cream, and ice cream, but butter is as much a milk product as any of the others. It certainly seems that if the word "butter" is germane anywhere it ought to be germane in this bill, which is providing for the health of the people of the District of Columbia and to protect them against unclean milk and other milk products.

Mr. MOORE of Virginia. Mr. Chairman, if that is a tenable argument, then we might extend this bill to cheese.

Mr. LINTHICUM. Why should it not be extended to cheese?

Mr. MOORE of Virginia. And, more remotely, candy, into which milk enters, and other articles.

Mr. LINTHICUM. Why should they not be protected? Why should we limit protection to our people merely for expediency? I have just been informed by a gentleman interested in this bill that if we include butter we could not pass the bill. For expediency we must eliminate the great butter industry from compliance.

Mr. BLANTON. Butter was not included in the bill because we already have a law protecting butter.

The CHAIRMAN. Does the gentleman from Maryland desire to be heard any further?

Mr. LINTHICUM. No; not on the point of order.

The CHAIRMAN. The Chair will state that there is room for doubt on the question of germaneness, in the opinion of the Chair, with reference to this amendment. The Chair's attention has been called to a bill prohibiting the importation of goods "made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict prison labor," to which an amendment prohibiting the importation of goods made by child labor was held not germane on the ground that labor described in the bill constituted a single class of labor. The decision was by Speaker Clark on March 25, 1914, and occurs on page 5481 of the CONGRESSIONAL RECORD for the second session of the Sixty-third Congress. In other words, a distinction was made with reference to the method in and conditions under which goods were manufactured, although the goods were all of the same class. In the bill now pending all of the provisions, including the first section, which has already been adopted, relate entirely and solely to milk, cream, and ice cream. It is a matter of common knowledge that they belong to a class which, if subjected to any processes whatever, are subjected to entirely different processes from those to which butter, cheese, and other like products made of the same raw materials would be subjected, and for that reason it seems to the Chair that the amendment is not germane. An entirely different system of supervision and treatment would have to be provided for butter than is contemplated by this bill for milk, cream, and ice cream. Therefore the point of order is sustained.

The Clerk read as follows:

SEC. 3. That the health officer is hereby authorized and empowered to suspend any permit issued under authority of this act whenever in his opinion the public health is endangered by the impurity or unwholesomeness of the milk supply of any such farm, corporation, partnership, or mutual association, and such suspension shall remain in force until such time as the said health officer is satisfied the danger no longer continues: *Provided*, That whenever any permit is suspended the health officer shall furnish in writing to the holder of said permit his reasons for such suspension, and the dealer receiving such milk or cream shall also be promptly notified by the health officer of such suspension.

Mr. LAMPERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAMPERT: On page 3, lines 15 and 16, strike out the words "supply of any such farm, corporation, partnership, or mutual association," and insert in lieu thereof after the word "milk" in line 15, the words "cream or ice cream supplied by any person."

Mr. BLANTON. Mr. Chairman, I rise in opposition.

The CHAIRMAN. Does the gentleman from Wisconsin desire to be heard on his amendment?

Mr. BLANTON. Why is this amendment offered?

Mr. LAMPERT. This is to clarify the language.

Mr. BLANTON. This is not a committee amendment. The committee has not agreed on this amendment.

The CHAIRMAN. The gentleman from Texas is recognized unless the gentleman from Wisconsin desires to be heard.

Mr. BLANTON. This amendment ought not to be put in because if it is put in here it does not prevent a firm or corporation or partnership or mutual association from doing the very things we are seeking to prevent them from doing. You are confining it only to a person and you are letting these other concerns——

Mr. LAMPERT. Mr. Chairman, I believe I can explain the amendment to the gentleman from Texas if the gentleman will yield.

Mr. BLANTON. I yield to the gentleman.

Mr. HILL of Maryland. May we have the amendment reported again?

Mr. BLANTON. I do not yield for that purpose. I have the floor and I yield to the gentleman from Wisconsin.

Mr. LAMPERT. If the gentleman will refer to line 5, page 3, he will see that we have adopted an amendment which provides that the word "person" in this act shall include firms, associations, partnerships, and corporations, as well as individuals. It was simply to clarify the language that this amendment was offered to omit those words.

Mr. BLANTON. The amendment is all right. The gentleman has made a wise explanation.

Mr. BURTNESS. Will the gentleman yield just a moment?

The amendment that has been adopted does not say "the words 'person' in this act," but "in this section."

Mr. MOORE of Virginia. That language has been amended and it now refers to the act.

Mr. BURTNESS. Then that is all right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. LINTHICUM. Mr. Chairman, I offer an amendment, at line 15, after the word "milk," to insert the words "cream or ice cream."

The CHAIRMAN. The Chair will state to the gentleman from Maryland that the amendment just adopted offered by the gentleman from Wisconsin includes those words.

Mr. LINTHICUM. I should like to have it again reported.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the amendment just adopted may be read by the Clerk for information. Is there objection? [After a pause.] The Chair hears none.

The amendment was read for information.

Mr. LINTHICUM. Mr. Chairman, I withdraw my amendment.

The Clerk read as follows:

SEC. 4. That nothing in this act shall be construed to prohibit interstate shipments of milk or cream into the District of Columbia for manufacturing into ice cream: *Provided*, That such milk or cream is produced or handled in accordance with the specifications of an authorized medical milk commission or a State board of health.

Mr. BURTNESS. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. In the opinion of the committee, do the provisions of this bill apply to interstate shipments of evaporated milk or condensed milk, so called?

Mr. MOORE of Virginia. The section we are now upon?

Mr. BURTNESS. I refer to the bill as a whole, but the question came to my mind particularly upon reading section 4. The thought occurred to me that it may be ambiguous and that it may by its general terms apply to evaporated milk as well as to whole milk.

Mr. MOORE of Virginia. The gentleman is speaking about reconstructed milk and skimmed milk, and so forth?

Mr. BURTNESS. I mean the ordinary condensed milk, particularly. We have a Federal law, of course, against the shipment in interstate commerce of filled milk.

Mr. MOORE of Virginia. Subsequent provisions in the bill deal with that subject. My eye falls upon one such provision which is contained in section 10 and which the gentleman may look at without my reading it.

Mr. BURTNESS. Is it the intention of the committee that this act, in a general way, is to prohibit interstate shipments of condensed milk into the District of Columbia unless there is a permit and things of that sort obtained by the factory which produces such milk?

Mr. ZIHLMAN. I call the gentleman's attention to page 7 of the bill, section 13, which defines what milk is.

Mr. CLAGUE. That covers it. It does not apply to evaporated milk.

Mr. BURTNESS. The intention is to leave out evaporated milk, I take it.

Mr. ZIHLMAN. Yes.

Mr. BOYLAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BOYLAN: On page 4, line 4, after the word "health," insert: "*Provided*, That the same standard of regulation is maintained by said commission or said board of health as is provided in this act."

Mr. BOYLAN. Mr. Chairman, the idea of this amendment is that the milk or cream used in the manufacture of ice cream may be as pure as the milk and cream required for admission into the District, in order that we may be protected from poisoning from impure milk or cream. We want to be protected from indirect poisoning by the use of impure milk or cream in the manufacture of ice cream. I think the amendment safeguards the purposes of the bill.

Mr. ZIHLMAN. Mr. Chairman, I call attention to the fact that the adoption of this amendment would be unwise. This section deals with the shipment of milk in interstate commerce, and in the second place it would make it necessary that all State laws should conform to the laws of the District of Columbia in relation to the regulation of milk and cream. I think it would be very unwise to adopt it at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. LINTHICUM. Mr. Chairman, I offer the following amendment: In line 2, page 4, after the word "milk," strike out the word "or," and after the word "cream," insert "or ice cream."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 2, after the word "milk," strike out the word "or," and after the word "cream" insert the words "or ice cream."

Mr. LINTHICUM. Mr. Chairman, I take it that the committee proposed to include ice cream here as they have in the previous parts and subsequent parts of the bill. The gentleman from Virginia speaks about butter being interstate and that we could not protect it. It seems to me that under this provision, page 4, "that such milk or cream as produced or handled in accordance with the specifications of an authorized medical milk commission or a State board of health" we ought to be able to protect the District of Columbia against impure butter or butter-carrying germs just as much as we can protect milk or cream or ice cream. I am not speaking for the purpose of delay or anything of that kind, but medical experts tell us so clearly and in such specific language that bacilli can be transported in butter and kept alive for a long while, and I am talking for the protection of the people against impure butter. In milk and cream you propose to pasteurize it, and if there are any germs in it you propose to kill the germs so that they will not affect people, and at the same time you allow them to bring in butter without inspection, butter made from the raw product with no pasteurization or anything of that kind. I am very anxious to protect the people of the District against that raw product which has not been pasteurized.

Mr. BLANTON. Mr. Chairman, the gentleman has not caught the meaning of this section. This section provides that where the milk and cream is shipped into the District for making ice cream it can not come in without proper inspection. His amendment puts in ice cream, and ice cream has no reference to the section at all. It is milk and cream that goes into the manufacture of ice cream. He has misread the paragraph.

Mr. ZIHLMAN. Mr. Chairman, I agree with what the gentleman from Texas has said. This section deals with the shipment of milk for the manufacture of ice cream.

Mr. LINTHICUM. Where does it specify that it is the shipment for the manufacture of ice cream?

Mr. ZIHLMAN. The gentleman can read the section, it is not necessary for me to read it to him.

Mr. LINTHICUM. The provision means that in case the milk or cream comes from outside of the District of Columbia it shall come under health laws of that State for inspection. Suppose the ice cream comes from outside? Why does not this apply clearly to that?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

"Pasteurized milk" is milk produced from healthy cows, as determined by the physical examination and tuberculin test as hereinbefore provided for "raw" milk. Said milk shall be pasteurized under regulations prescribed by the health officer. The milk immediately after being pasteurized shall be cooled to a temperature of not more than 45° F. and maintained to at least such temperature. The farm on which the milk is produced must rate not less than 70 per cent, the dairy from which said milk is sold or distributed not less than 85 per cent, and the cows producing the milk not less than 90 per cent on the rating cards now in use by the health department of the District of Columbia. It shall not contain less than 3.5 per cent of butter fat or 11.5 per cent total solids; nor shall it contain when delivered to the consumer more than 50,000 bacteria, total count, per cubic centimeter, and be free from colon bacilli and other pathogenic organisms and all visible dirt. No such milk shall be pasteurized more than one time.

Mr. LAMPERT. Mr. Chairman, I offer the following amendments.

The Clerk read as follows:

Page 9, lines 9 and 10, strike out the words "now in use by" and insert in lieu thereof "in use at the time by."

Page 9, line 13, strike out the word "fifty" and insert the word "twenty."

The CHAIRMAN. The question is on the amendments offered by the gentleman from Wisconsin.

The question was taken, and the amendments were agreed to.

Mr. WHITE of Kansas. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee a question. On page 9, lines 5 and 6, is this language: "The farm on which the milk is produced must rate not less than 70 per cent." I would like to ask what that means?

Mr. ZIHLMAN. I will ask the gentleman from Wisconsin to give the gentleman the information.

Mr. KELLER. I can answer the gentleman's question. That refers to the condition of the farm. They have an inspection of the farm and it must have a rating of not less than 70 per cent.

Mr. WHITE of Kansas. They have a rating of 70 per cent according to a certain standard?

Mr. KELLER. Yes.

Mr. WHITE of Kansas. Does that include the condition of the buildings?

Mr. KELLER. Yes; everything, the sanitary condition.

Mr. WHITE of Kansas. That is a new phrase to me, something I never heard of before, I am frank to say, and I did not understand it.

Mr. KELLER. In my judgment this is not high enough, but as long as the committee has agreed on 70 per cent, I am willing to agree to it.

Mr. WHITE of Kansas. Does it go to the extent of the quality or the variety of the food products produced or fed to the dairy stock, or can the gentleman say?

Mr. KELLER. This refers more to the conditions on the farm, the buildings, and so forth.

Mr. BURTNESS. Of course, the 70 per cent is qualified by the words "on the rating cards now in use by the Health Department of the District of Columbia." That wording, however, has been modified by the amendment of the gentleman from Wisconsin [Mr. LAMPERT], and I take it that this commission which has power to determine these cards is granted very broad discretion, and that nobody could tell to-day what that commission may decide to be advisable to put on these rating cards, or what test to use 1 year or 2 years or 10 years from now.

Mr. KELLER. That is correct.

Mr. BURTNESS. And I take it that the committee has confidence in the commission to be established and that it is presumed that it will exercise good judgment in the matter.

Mr. KELLER. It would be impractical for us to suggest to this House the exact regulations that usually are applied to this 70 per cent or 80 per cent.

Mr. BURTNESS. Seventy per cent may be a very stringent regulation or it may be just the opposite, depending entirely upon the kind of regulations that would be prepared and made applicable by the commission which under this bill is given authority to make the regulation.

Mr. KELLER. That is, if they have regulations which are not in themselves drastic, 70 per cent would be low.

Mr. BURTNESS. But if, on the other hand, they are in themselves drastic, then 70 per cent might be high.

Mr. KELLER. That is correct.

Mr. WHITE of Kansas. If it were required that the buildings should conform to a certain standard, then there are standard buildings that are erected by many dairymen who are in the business continually, and yet they may not be uniform to a particular standard. Other conditions might be very satisfactory, so far as the health of the animals is concerned, and if the commission requires conformation to that standard of buildings they might put the producer out of business.

Mr. KELLER. I do not think that is possible, because we apply the average by percentage. The man may not have a well-constructed barn, but he may have a very sanitary barn, and the average gives him a chance.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. BURTNESS. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for two or three minutes, as I think he can answer some questions that I have in mind.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURTNESS. I am sure the gentleman from Kansas can advise me as to what the word "complete," in line 3, page 7, means, and as to what difference is obtained in the milk from a complete milking of a cow and an incomplete milking of a cow?

Mr. WHITE of Kansas. I think that is self-evidence, and it is ponderous, and almost as important as the nursery rhyme—

> If all the world were apple pie and all the seas were ink
> And all the trees were bread and cheese, what would we do for drink?

Mr. MOORE of Virginia. Mr. Chairman, may I say to the gentleman that I have just had some valuable information given to me by a practical dairyman upon that point? He says that it is an important provision, because there may be a difference between a portion of the milking and another portion of the milking—the stripping. The idea is to make it a complete milking of the cow, and that seems to be the view expressed by those who appeared before the committee and the health officer himself when this bill was under consideration.

Mr. LINTHICUM. Mr. Chairman, I move to amend by striking out "70" and inserting "85" in line 6, page 9.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 9, line 6, strike out the figures "70" and insert in lieu thereof the figures "85."

Mr. LINTHICUM. Mr. Chairman, I do not want to discuss that at any length except to say that you are requiring that the dairies shall be 85 per cent, and it does seem to me that if the dairies where the milk is to be handled must be 85 per cent the farms ought at least to be equal to the dairy.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. ZIHLMAN. I call the gentleman's attention to the fact that this matter of percentages is left in the hands of the health officers. He may make strict regulations or lenient regulations.

Mr. MOORE of Virginia. The farm might contain 500 acres, and it might be entirely reasonable to require a percentage of 70 per cent, so far as the farm is concerned; but the dairy is the immediate place where the milk is handled, and there might be and ordinarily is reason why a higher percentage should be required so far as the dairy is concerned. It is upon that view that the health officers act.

Mr. LINTHICUM. That is not what I understood. I understood that 70 per cent was based on the condition of the buildings and the machinery on the farm. I do not think it ought to apply to the 500 acres of land. I refer to the discussion of the question here to-day.

Mr. MOORE of Virginia. I think my friend misunderstood. If anybody inadvertently said that the 70 per cent meant just the buildings and the machinery, I think he would withdraw that opinion, because that percentage applies to the entire farm. The dairy is rated higher, and the cows still higher, 90 per cent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The amendment was rejected.

The Clerk read as follows:

SEC. 17. That every person, or persons, receiving a permit to ship milk or cream into the District of Columbia from any creamery, or receiving station, aforesaid, shall keep posted at all times in such creamery, or receiving station, the names of all persons licensed under this act who are delivering milk or cream at any such creamery, or receiving station, and shall keep a record of all milk and cream received, and furnish from time to time a sworn statement giving such information relative thereto as the said health officer may require. The health officer of the District of Columbia shall have power by regulation to include other places than creameries, or receiving stations, under the provisions of this section, from time to time, as may be necessary in his judgment.

Mr. LINTHICUM. Mr. Chairman, I desire to offer an amendment. Page 11, line 10, after the word "milk" strike out the word "or," and after the word "cream" insert "or ice cream."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: Page 11, line 10, after the word "milk" strike out the word "or," and after the word "cream" insert "or ice cream."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 19. That any person or persons violating any of the provisions of this act, or of any of the regulations promulgated hereunder, shall, on conviction, be punished for the first offense by a fine of not more than $10; for the second offense by a fine of not more than $50, and for any subsequent offenses within one year a fine of not more than $500, or by imprisonment in the workhouse for not more than 30 days, or by both such fine and imprisonment, in the discretion of the court, and in addition any license issued under authority of this act may be revoked. Prosecutions hereunder shall be in the police court by the District of Columbia.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word in order to ask the chairman a question. Is there any provision here for the punishment, on the other hand, of the health department if they make a discrimination between these people? You go after the fellow who brings in milk without a license. Suppose the health department arbitrarily or without any just right or cause refuses to grant a license for them to come in.

Mr. ZIHLMAN. The distinguished gentleman from Oklahoma was a distinguished jurist of his State, and the gentleman knows the laws would apply in case of a discrimination as they would apply——

Mr. McKEOWN. But I am talking about the health board who issues the license.

Mr. ZIHLMAN. I will say there is ample law in the District to take care of matters of that kind.

Mr. McKEOWN. I withdraw the pro forma amendment.

Mr. LINTHICUM. Will the gentleman from Maryland yield for one question?

Mr. ZIHLMAN. Yes; if I have the floor.

Mr. LINTHICUM. I want to ask the gentleman why it is in section 18 you leave out the words "ice cream," and also previous to that? Why is not ice cream included in that place? There is no use in my offering an amendment, because the gentleman opposes it, and it is voted down, but I do not understand why the bill, which is to provide for pure milk, pure cream, and ice cream, when it comes to section 18 and along there the term "ice cream" is excluded. Is there any reason for it?

Mr. ZIHLMAN. That section only refers to shipments within the District.

Mr. LINTHICUM. It says, "That no person in the District of Columbia licensed under this act shall receive any milk or cream from any source," and so forth. Why should it not be "any milk, cream, or ice cream"?

Mr. BLANTON. We get some good ice cream from Baltimore once in awhile.

Mr. LINTHICUM. That is all right; if you get it from Baltimore, it will be good. You get good oysters, too; but that language ought to be in the bill.

The Clerk resumed and concluded the reading of the bill.

Mr. ZIHLMAN. Mr. Chairman, I move the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill S. 2803 had directed him to report the same back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

Mr. LINTHICUM. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. It is clear there is no quorum present.

Mr. ZIHLMAN. I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No 57]

Anderson	Cullen	Griest	Lyon
Anthony	Cummings	Griffin	McKenzie
Ayres	Curry	Hastings	McNulty
Bell	Davey	Haugen	Magee, Pa.
Berger	Dempsey	Hawes	Mapes
Black, N. Y.	Dominick	Holaday	Mead
Bloom	Edmonds	Howard, Okla.	Michaelson
Bowling	Evans, Iowa	Hudson	Miller, Ill.
Britten	Fairfield	Hull, William E.	Mills
Browne, N. J.	Faust	Humphreys	Minahan
Buchanan	Favrot	Johnson, Ky.	Montague
Buckley	Fenn	Johnson, W. Va.	Moore, Ill.
Burdick	Fish	Kelly	Morin
Burton	Foster	Kent	Nelson, Wis.
Cable	Frear	Kincheloe	Newton, Mo.
Carter	Fredericks	Kindred	Nolan
Celler	Freeman	Kunz	O'Brien
Clark, Fla.	Funk	Langley	O'Connell, N. Y.
Cleary	Gallivan	Lankford	O'Connor, N. Y.
Cole, Ohio	Geran	Larson, Minn.	Paige
Collins	Gifford	Leatherwood	Parks, Ark.
Connolly, Pa.	Gilbert	Lee, Ga.	Perkins
Cook	Glatfelter	Lilly	Perlman
Corning	Goldsborough	Lindsay	Phillips

Porter	Schafer	Swoope	Wason
Pou	Schall	Tague	Weaver
Purnell	Schneider	Taylor, Colo.	Weller
Quayle	Scott	Taylor, Tenn.	Wertz
Reed, Ark.	Sears, Nebr.	Thomas, Ky.	Wilson, Miss.
Reed, W. Va.	Sears, Fla.	Treadway	Wilson, Ind.
Richards	Snyder	Tydings	Wolff
Roach	Sproul, Ill.	Vare	Wood
Rogers, Mass.	Sproul, Kans.	Vinson, Ga.	Woodruff
Rogers, N. H.	Sullivan	Voigt	Yates
Rouse	Sumners, Tex.	Ward, N. Y.	
Sabath	Sweet	Ward, N. C.	

The SPEAKER. Two hundred and eighty-nine Members have answered to their names; a quorum is present.

Mr. ZIHLMAN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. BLANTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MOORE of Ohio. Mr. Speaker, there have been a good many inquiries about the rates under the proposed postal pay bill, and I ask unanimous consent to extend my remarks in the RECORD by having printed a comparison of the present rates in the law and those given under the proposed bill as furnished by the Post Office Department.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The table is as follows:

Statement showing comparison between the present rates of postage with those in H. R. 11444 as reported to the House

Class	Mail matter: Character	Present rates	Proposed rates
First	Post cards (private mailing cards)	1 cent each	2 cents each.
Second	Transient	1 cent each 4 ounces	8 ounces and under, 2 cents each 2 ounces; over 8 ounces, parcel post rates.
	Publishers:		
	Scientific, agricultural, and religious (reading and advertising).	1¼ cents per pound	1½ cents per pound.
	Newspapers and periodicals, zone rates advertising—		
	Zones 1 and 2	2 cents per pound	3 cents per pound.
	Zone 3	3 cents per pound	
	Zone 4	5 cents per pound	6 cents per pound.
	Zone 5	6 cents per pound	
	Zone 6	7 cents per pound	
	Zone 7	9 cents per pound	9 cents per pound.
	Zone 8	10 cents per pound	
Third	Printed matter	4 pounds and under, 1 cent each 2 ounces; over 4 pounds, fourth class.	8 ounces and under, 1½ cents each 2 ounces; over 8 ounces, fourth class.
	Books, catalogues, seeds, bulbs, cuttings, roots, scions, and plants.	(See under fourth class)	8 ounces and under, 1 cent each 2 ounces; over 8 ounces, fourth class.
	Merchandise	(See under fourth class	8 ounces and under, 1½ cents each 2 ounces.
Fourth	Books, catalogues, seeds, bulbs, cuttings, roots, scions, and plants.	8 ounces and under, 1 cent each 2 ounces; over 8 ounces, zone rates.	8 ounces and under, third class; over 8 ounces, zone rates.
	Merchandise	4 ounces and under, 1 cent each ounce; over 4 ounces, zone rates.	8 ounces and under, third class; over 8 ounces, zone rates.
	Service charge	None	2 cents on each parcel except those originating on rural routes.
	Special handling charge	do	25 cents on each parcel.
SPECIAL SERVICES			
Money orders	For orders from—		
	$0.01 to $2.50	3 cents	5 cents.
	$2.51 to $5	5 cents	7 cents.
	$5.01 to $10	8 cents	10 cents.
	$10.01 to $20	10 cents	12 cents.
	$20.01 to $30	12 cents	
	$20.01 to $40		15 cents.
	$30.01 to $40	15 cents	
	$40.01 to $50	18 cents	
	$40.01 to $60		18 cents.
	$50.01 to $60	20 cents	
	$60.01 to $75	25 cents	
	$60.01 to $80		20 cents.
	$75.01 to $100	30 cents	
	$80.01 to $100		22 cents.
Registered mail	Fee:		
	$50 indemnity	10 cents	15 cents (minimum).
	$100 indemnity	20 cents	20 cents (maximum).
	Return receipts; fee	None	3 cents.
Insured	Not exceeding $5 indemnity	3 cents	5 cents.
	Not exceeding $25 indemnity	5 cents	8 cents.
	Not exceeding $50 indemnity	10 cents	10 cents.
	Not exceeding $100 indemnity	25 cents	25 cents.
	Return receipts; fee	None	3 cents.
Cash on delivery	Not exceeding $10 collection		12 cents.
	Not exceeding $50 collection	10 cents	15 cents.
	Not exceeding $100 collection	25 cents	25 cents.
Special delivery	Fees; no weight limit	10 cents	2 pounds and under, 10 cents; 2 pounds to 10 pounds, 15 cents; over 10 pounds, 20 cents.

BOARD OF PUBLIC WELFARE, DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12002, and, pending that, I ask unanimous consent that general debate be limited to one hour, one half to be controlled by the gentleman from Texas [Mr. BLANTON] and the other half by myself.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none. The question is on the motion of the gentleman that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12002, with Mr. CRAMTON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12002, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12002) to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Maryland [Mr. ZIHLMAN] is recognized for 30 minutes.

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. KELLER].

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes.

Mr. KELLER. Mr. Chairman and gentlemen, the bill before you creates a new public welfare board. That board is to be composed of five members. Those members are to be appointed by the Commissioners of the District of Columbia.

The bill also provides that the Commissioners of the District of Columbia may, upon the recommendation of this board, appoint a director, who shall have charge of all the welfare institutions in the District of Columbia.

At the present time there are three different boards. One board is called the Board of Charities, which has charge of nine welfare institutions. Another board is the Board of Children's Guardians, and it has charge of one institution. Still another is the board which has charge of the Girls' Training School. The bill carries out certain ideas to coordinate all these different boards to one board, and that board to have supervision of all of them, which beyond question would promote efficiency in the management of such an institution.

There is no opposition to the bill. It was reported by the committee by a unanimous report. It has been indorsed by the Commissioners of the District of Columbia, and has been indorsed by all welfare organizations interested in welfare legislation. There is, however, opposition coming from one source, and that comes from the board in charge of the Girls' Training School. They feel that that institution is a Federal institution and therefore should not come under a board under the control of the District of Columbia. But the facts are that the institution, when created, was created under the name of the District of Columbia. The institution is also financed out of appropriations derived from District of Columbia funds, and the inmates of that institution are practically all persons from the District of Columbia. Ninety-nine out of one hundred are from the District of Columbia. Therefore the committee thought that it should come under this board.

There is no question but that there will be very beneficial results from having one board. I hope that the House will pass this bill.

Mr. GIBSON. I wish to ask the gentleman a question before he finishes.

The CHAIRMAN. Does the gentleman from Minnesota yield?

Mr. KELLER. Yes, sir.

Mr. GIBSON. I think the President in his annual message said something about the welfare board, did he not?

Mr. KELLER. He did.

Mr. GIBSON. Is this bill in conformity with the recommendations of his message?

Mr. KELLER. It is. Mr. Chairman, I yield back the remainder of my time.

Mr. ZIHLMAN. Mr. Chairman, may I ask the gentleman from Texas [Mr. BLANTON] if he has had any requests for time on this bill?

Mr. BLANTON. No. Does any one want time?

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. BLANTON] for 30 minutes.

Mr. BLANTON. Mr. Chairman, there is one amendment that ought to be made to this bill, in my judgment, and I shall offer same at the proper time; and that is that no child shall be taken away from a parent against the parent's will on the ground of poverty.

We had quite an investigation by our committee, and we had a number of mothers to come before our committee and testify under oath that because the welfare ladies here looking after the matter thought they were not able financially to properly take care of their children, they took them away from them, took away their children against their will, when there was not any question of immorality involved at all; solely the question of alleged poverty. These mothers testified that they were able financially to take care of these children. My friend from Georgia, Judge CRISP, happened to be in there one day when some of them were testifying, and I know how he felt about it, and I know how others of us felt about it.

Mr. CRISP. Was not testimony adduced at that hearing that in some instances they were turning a child over from a mother, who was moral, to somebody else, who was of doubtful morality, and who was paid $20 per month for the support of the child?

Mr. BLANTON. Yes. There were instances where they took children away from their mothers, and took them away because of alleged poverty, and then put them in another home where there was immorality, and paid the strangers $20 a month apiece for them. I am going to offer an amendment to stop it.

In view of the fact that the amount which the Government has to pay to the District of Columbia has been limited to $9,000,000, and the District has to pay all the balance of its expenses of every kind, the expense connected with this legislation will not add anything to the burden of the Government; otherwise I would offer an amendment providing that the expense of this welfare board shall be paid solely out of the revenues of the District of Columbia, but that will be done and the Federal Government will not be taxed for it. With the foregoing amendment I believe the bill should be passed, and I shall vote for it.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CASEY. Is there any reason why this $20 a month should not have been paid to the mothers of these children, leaving them in their homes with their mothers?

Mr. BLANTON. None whatever. It should have been done, and I hope the House will pass my amendment and require it to be done.

Mr. Chairman, I reserve the balance of my time.

Mr. ZIHLMAN. Mr. Chairman, there being no other speakers to address the House on the bill, I move that the bill be read for amendment.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

SEC. 5. The Commissioners of the District of Columbia, upon the nomination of the board, are hereby authorized to appoint a director of public welfare, which position is hereby authorized and created, who shall be the chief executive officer of the board and shall be charged, subject to its general supervision, with the executive and administrative duties provided for in this act. The director shall be a person of such training, experience, and capacity as will especially qualify him or her to discharge the duties of the office. The director of public welfare may be discharged by the Commissioners of the District of Columbia upon recommendation of the board. All other employees of the board shall be appointed and discharged in like manner, as in the case of the director. The director of public welfare and other necessary employees shall receive compensation in accordance with the rates established by the classification act of 1923.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Maryland moves to strike out the last word.

Mr. HILL of Maryland. I do this for the purpose of asking a question of the chairman of the committee. All legislation of this sort in the District is likely to be used as model legislation, and it is very important that we know exactly what it means. Here is a section about which we ought to know:

The director of public welfare and other necessary employees shall receive compensation in accordance with the rates established by the classification act of 1923.

Does the chairman have the figures of what the director will receive under that classification act as salary?

Mr. KELLER. About $5,000. I think it runs from $5,000 to $5,800.

Mr. ZIHLMAN. I will say to the gentleman from Maryland that a somewhat similar position is now filled by the secretary of the Board of Charities. He acts as director of public welfare and he is classified in the grade from $5,200 to $6,000.

Mr. HILL of Maryland. So this really continues the present employee in practically the same position?

Mr. ZIHLMAN. Yes.

Mr. HILL of Maryland. Will the chairman of the committee tell us what are the other necessary employees.

Mr. ZIHLMAN. Further on in the bill we provide that the personnel of these various boards shall come under the jurisdiction of this board of public welfare. Those who are now employed by these various boards are set out in section 1; their grades are established by the classification act and their salaries are appropriated for in the District of Columbia appropriation bill. I can not tell the exact number, but we do not attempt to create any new positions; we simply provide that those who are turned over must be necessary.

Mr. HILL of Maryland. Could the chairman say about how much new expense is entailed by this bill?

Mr. ZIHLMAN. My own understanding is that there will be a considerable saving, because the merging of these boards will certainly render some of the employees unnecessary, and we specify that only those who are necessary shall come under

the jurisdiction of this newly created board, so I believe it will result in a saving.

Mr. HILL of Maryland. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 6. The board shall have complete and exclusive control and management of the following institutions of the District of Columbia: (a) The Workhouse at Occoquan, in the State of Virginia; (b) the reformatory at Lorton, in the State of Virginia; (c) the Washington Asylum and Jail; (d) the National Training School for Girls, in the District of Columbia and at Muirkirk, in the State of Maryland; (e) the Gallinger Municipal Hospital; (f) the Tuberculosis Hospital; (g) the Home for the Aged and Infirm; (h) the Municipal Lodging House; (i) the Industrial Home School; (j) the Industrial Home School for Colored Children; (k) the Home and Training School for the Feeble-Minded, in Anne Arundel County, in the State of Maryland.

Mr. BLANTON. Mr. Chairman, I offer the following amendment:

On page 4, line 23, after the word "Maryland," strike out the period, insert a colon, and add the following proviso.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 4, line 23, after the word "Maryland," insert: "*Provided*, That no child shall be taken away from its parent against the parent's wish, except upon the grounds of immorality of such parent or parents."

Mr. ZIHLMAN. Mr. Chairman, I make a point or order against the amendment on the ground that it is not germane to the paragraph just read.

The CHAIRMAN. The gentleman from Maryland makes a point of order against the amendment. The Chair will be glad to hear the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, the supervision of all children now in all of these various institutions is placed by this paragraph into the hands of the director of this new welfare board. The amendment has reference to all existing welfare and charitable boards and to the Gallinger Municipal Hospital; the Tuberculosis Hospital; the Home for the Aged and Infirm; the Municipal Lodging House; the Industrial Home School; the Industrial Home School for Colored Children; and the Home and Training School for the Feeble-minded. All of these institutions are homes where little children are now placed. They are taken there in some instances from the custody of the parents against the wish of the parents, and there are many of them in there now against the wish of the parents. Therefore this amendment is applicable to the paragraph. I want it to cover not only what may be done in the future but what already has been done with respect to the taking away of children from their parents and placing them in these institutions. The amendment is absolutely germane.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HILL of Maryland. I am in entire accord with the gentleman, and I would like to ask this for the RECORD: Are these all Government-owned homes or private homes being supervised by the Government?

Mr. BLANTON. Many of them are Government owned; some of them are privately owned, but this bill places them all under the supervision of the new welfare board, and they are placed under the direct control of this director of public welfare. In other words, they become the wards of the Government. The very minute we pass this bill every child in every one of these institutions becomes the ward of the Government, and we are responsible for them.

Mr. ZIHLMAN. Mr. Chairman, I call the attention of the Chair to the fact that this paragraph simply provides for the control and management of those institutions, and that the commitment of children and other persons to these institutions is taken care of by existing law, so that the language submitted by the gentleman from Texas, in an attempt to change existing law, is not germane to this bill.

Mr. BLANTON. I call the gentleman's attention to the last paragraph of this bill, which provides that all laws in conflict herewith are hereby repealed, and that is why I am trying to safeguard their interests. I am trying to repeal the existing laws under which they sometimes take little children away from parents unjustly without their consent, when the parents are moral people and they are prepared to take care of these little children. In no State is it permitted. There is no State in this Union where an officer can come in and take a little child away from its mother when its mother is a moral woman and is prepared to take care of it. [Applause.] I think the most awful situation I ever heard of was presented by the testimony taken before this committee.

Mr. CRISP. Has the Chair made up his mind as to how he is going to rule?

The CHAIRMAN. If the gentleman from Georgia desires to state his position on the point of order, the Chair will be glad to hear him.

Mr. CRISP. I merely wanted to suggest that if the Chair's mind was not made up I would like to address the Chair in support of the amendment being in order under the rules of the House.

The CHAIRMAN. The Chair will hear the gentleman from Georgia.

Mr. CRISP. Mr. Chairman, it seems to me there can be no question but what this amendment is in order. This is a bill dealing with the right of social welfare control, and under this bill certain boards are created and a director of social welfare is provided for and jurisdiction conferred upon them to have supervision of certain children in the District of Columbia. The bill confers power upon these officials to take children under certain contingencies from parents and to turn them over to different persons to maintain and care for them, and they are also authorized to forcibly place these children in designated charitable institutions. This amendment simply puts a limitation upon the powers of these boards by saying they can not take any child from its parents in the District without the parents' consent, if the parents are moral, proper persons to rear the child, and it seems to me it is germane to the bill and clearly in order.

Mr. ZIHLMAN. Will the gentleman yield? I would like to ask a question.

Mr. CRISP. Certainly; I yield to the gentleman.

Mr. ZIHLMAN. The amendment offered by the gentleman from Texas is legislation dealing with the matter of commitment of children to these institutions, is it not?

Mr. CRISP. I think that is the object of the whole bill.

Mr. ZIHLMAN. Is there anything in the bill relating to the commitment of children?

Mr. CRISP. I am not familiar with the District laws, but, as I understand it, this bill simply changes the title of your public welfare officers, abolishes the Board of Charities, and substitutes this machinery in lieu of the other. It also confers upon these boards all the powers of the old boards and makes available for their expenses all the unexpended appropriations that these other boards have for the maintenance and care of children, and it seems to me it is clearly in order to consider this amendment, which is germane to the object of the bill. This is not an appropriation bill. On an appropriation bill legislation can not be in order unless it comes within one of the excepted rules, but this is not an appropriation bill. This is legislation dealing with the care of unfortunate children, with the right being conferred upon this board under certain circumstances to take these children away from parents and place them elsewhere.

While it has nothing to do with the point of order, I did happen to drop in the District of Columbia Committee rooms one day when they were holding hearings on this subject matter, and there was testimony to the effect that three children, some of them girls, were taken away from a mother of good moral character but poor, and there was no question whatever raised as to the mother's moral character, and the sole ground on which they were taken was that she was not able to support them. She did not live in a fine house. The mother worked and begged to be permitted to keep her children; said she was able to support them, and the children wanted to stay with her. This testimony was not disputed, but these three children were taken away from her and surrendered over to some other woman, and the other woman was paid out of charitable funds so much money per month—$20 for each child—to support them. It seemed inconceivable to me that if they had a fund to pay for the care of children that the mother, who was a moral woman with a mother's love, should have been prevented from keeping her own children. [Applause.]

Mr. BLANTON. Mr. Chairman, in order to save time, I ask permission to withdraw the amendment. I will offer it after section 11. I did not know there was going to be any question raised by the gentleman from Maryland. I thought the gentleman wanted to save time this afternoon, and in order to do that, I will ask permission to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment of the gentleman from Texas is withdrawn.

There was no objection.

The point of order was withdrawn.

Mr. HILL of Maryland. Mr. Chairman, I offer an amendment, on page 4, lines 10 and 11, strike out the words "complete and exclusive control and management," and substitute the word "supervision."

I do this for the purpose of asking the chairman of the committee precisely what these words, "complete and exclusive control and management" mean.

As I understand it, a number of these organizations, such as the Home and Training School for the Feeble Minded in Anne Arundel County, and a great many other similar institutions, are private institutions, and I wish to be advised whether it is intended that these words shall mean what they say and that this board is to have complete and exclusive control and management rather than ordinary supervision.

Mr. KELLER. The gentleman is incorrect. All these institutions are Government institutions owned by the District of Columbia.

Mr. HILL of Maryland. They are all owned by the District of Columbia?

Mr. KELLER. Yes; every one of them.

Mr. HILL of Maryland. Then I withdraw my amendment, which was a pro forma one.

The pro forma amendment was withdrawn.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, section 6, which vests the control and management of various institutions in this new Board of Public Welfare contains a reference to the National Training School for Girls in the District of Columbia and at Muirkirk in the State of Maryland.

Some of the Members may recall that about two years ago I had something to say on the floor of the House in reference to the National Training School for Girls, some of its problems in the past, and the change in the way those problems were being handled under the new management.

A good woman who has since passed on—Mrs. Harding—when her attention was called to the National Training School for Girls and some of the conditions there, worked unceasingly until there was a change. The result was a new board and a number of new trustees. They have done most excellent work there. By reason of their activities and the cooperation of Congress an additional building was placed at Muirkirk and will be occupied some time this spring, as I am informed.

If this bill becomes law, those trustees, of course, will go out of office. It is purely honorary and the work is one of love and service.

Mr. Chairman, let me state that I think there has been a great deal of work put in on this welfare reorganization bill. Theoretically, the National Training School for Girls ought to be under the management of District of Columbia officials. While that is true theoretically, yet it is not going to work out practically unless those who have the appointing power as to this new board place on that board men and women who are sympathetic and who will pay some attention to the needs of these various institutions, and especially the National Training School for Girls. I hope when this new board is appointed, there will be placed upon the new board some one from among the trustees of the National Training School for Girls so that this work, which has been carried on so well during the past two or three years, may go on.

Mr. HILL of Maryland. The gentleman has touched upon a question that is very important in the management of institutions such as these. There has been a great deal of harm done on a perfectly good principle of coordinating the supervision and control. I would like to ask the gentleman, Would the passage of this bill do away with the personal supervision that has come from time to time by interested volunteer people and make the control of these organizations more hard-boiled and more bureaucratic?

Mr. NEWTON of Minnesota. I will say that there is no occasion for it doing that, but at the same time this must be borne in mind. Here we have a new board of five members that has control of all of these institutions. Unless there is the greatest kind of care taken by the commissioners in the appointment of the board they will not get on the new board men and women who have the time, the ability, and the inclination to do this kind of work. Theoretically this plan is all right, but it remains to be seen how it is going to work out in practice. If I thought it was impossible, and the fears of the gentleman would come true, I would not hesitate to move to take out one of these institutions from the section.

Mr. HILL of Maryland. In line 2 we have the Board of Charities in the District of Columbia. How many members are there on that board?

Mr. NEWTON of Minnesota. I am unable to state.

Mr. KELLER. Five.

Mr. HILL of Maryland. On the Board of Children's Guardians?

Mr. KELLER. Seven.

Mr. HILL of Maryland. On the Reform School for Girls?

Mr. KELLER. Nine.

Mr. HILL of Maryland. That is 21 persons now in charge of these charitable institutions who are to be superseded by five persons actually represented by one paid director. Of this board, except in extraordinary cases, the one paid director will attend to the whole thing. I should like to vote for the bill and I am open-minded, but I would like to ask the gentleman who has followed all of this whether he thinks it is wise to take away the supervision of 21 people, voluntarily interested, and make it five?

Mr. NEWTON of Minnesota. I do think, and I expressed a wish a year and a half ago, that something ought to be done in the District of Columbia to coordinate the work of the various welfare activities. Some volunteer advice and work were given the committee. I happen to know the man who was in charge of that—I have known him for years; he did excellent work in the State of Minnesota—and he has given the committee a great deal of help and advice. There ought to be this coordination, I am certain of that. We have lost much in the past because we have not had it. My words are those of admonition and caution to those who will appoint the new board, so that they will appoint the people who have the time and ability and the inclination to work rather than merely to hold office.

Mr. HILL of Maryland. Does the gentleman think it will be beneficial?

Mr. NEWTON of Minnesota. Yes.

Mr. WATKINS. I would like to ask the gentleman a question. In respect to what the gentleman from Maryland has just asked, is it not true, as far as the bill goes, that the control is given to the board? These people who are interested in these institutions will not be allowed of their own voluntary willingness to interfere in the management, unless the board wants to give them the right?

Mr. NEWTON of Minnesota. These boards that are going out, the gentleman means? They will go out of office on the passage of this legislation.

Mr. WATKINS. And after the passage of this bill, as far as the law is concerned, they will have no right or control or have any influence over these institutions?

Mr. NEWTON of Minnesota. They will have no right of visitation or anything of that kind.

Mr. HILL of Maryland. Section 6 provides that the board shall have exclusive control and management of the following institutions. Does not that mean—say, there is a board of 12 trustees on the workhouse; I do not know that there are—if the board decides that they do not want any trustees or board of visitors, under the language of the section they have the power to do away with it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL of Maryland. I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLER. The gentleman is incorrect; the present law provides how they shall operate, and we do not change the present law. We simply give the new board the same power the old board had.

Mr. HILL of Maryland. I would like to ask the gentleman whether he would agree to an amendment on page 4, lines 10 and 11, changing the words "complete and exclusive control and management" to the word "supervision"? I understand that that is what it really means. The words "complete and exclusive control and management" have a definite meaning, and not what the committee desires. And I will ask the gentleman if he will agree to modify it and make it "supervision." Say that the board shall have supervision of the following institutions.

Mr. KELLER. We are giving them the same power they have now as a separate board, the same language is used in the old law that we provide in the new law.

Mr. HILL of Maryland. Mr. Chairman, I offer the following amendment: Page 4, in lines 9 and 10, strike out the words "complete and exclusive control and management" and insert in lieu thereof the word "supervision."

The CHAIRMAN. The gentleman from Maryland offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HILL of Maryland: Page 4, lines 10 and 11, strike out the words "and exclusive control and management" and insert in lieu thereof the word "supervision."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The amendment was rejected.

The Clerk read as follows:

SEC. 7. The superintendents and all other employees now engaged in the operation of the institutions enumerated in section 6 shall hereafter be subject to the supervision of the board. Each superintendent shall have the management and control of the institution to which he is appointed and shall be subordinate to the director of public welfare. The superintendent and all other employees of each of the institutions enumerated in section 6 shall be appointed by the Commissioners of the District of Columbia upon nomination by the board and shall be subject to discharge by the commissioners upon recommendation of the board.

Mr. WATKINS. Mr. Chairman, I move to strike out the last word. Are these various institutions in the District of Columbia unanimously in favor of this bill?

Mr. KELLER. Yes. We have no opposition. Every organization in the District of Columbia that is interested in legislation along this line has indorsed this bill.

Mr. BLANTON. There is one that is opposed to it.

Mr. KELLER. I have none so far as I know. The District Commissioners have indorsed it, and Judge Siddons, who has charge of welfare work, has indorsed it. Every other organization interested in this sort of legislation has indorsed it. There has been some opposition on the part of the Girls' Training School on the ground that it is a Federal institution. After investigation we found that the institution was created in the name of the District of Columbia and that it is financed by appropriations out of the District of Columbia funds; that 99 per cent of the inmates in the institution are people from the District of Columbia. Therefore we felt that it is a District of Columbia institution and that the Federal Government should have nothing to do with it, and we have placed it under this board. The Attorney General first opposed putting the training school in the bill because he thought it was a Federal institution, but after he found out that it was financed by the District of Columbia he indorsed the bill as it is before you.

Mr. WATKINS. What institution is against the bill?

Mr. BLANTON. There is one ladies' organization that is against it, but I say to the gentleman that for a bill of this character there is less opposition to it than I think you can ever find to any similar bill. There are very many different institutions that are interested in it.

Mr. WATKINS. What institution is against it?

Mr. BLANTON. There is an organization that Mrs. Winter is connected with, and I think that organization is against it.

Mr. HILL of Maryland. There is an organization called the Mothers Council of the District of Columbia. Is that the one to which the gentleman refers?

Mr. BLANTON. Yes.

Mr. HILL of Maryland. Will not the gentleman's amendment that he is going to propose more or less take care of that?

Mr. BLANTON. I think the amendment that I propose takes care of 99 per cent of their objections.

Mr. KELLER. There is no question but that Mrs. Winter has a just grievance, but it is a question of law.

Mr. BLANTON. I think this bill is going to do good work.

Mr. KELLER. We have a bill before the District of Columbia Committee changing the laws governing the juvenile court. We have a bill before the committee for mothers' pensions, which I am in favor of, and we also have the question the gentleman suggested in a bill before the District of Columbia Committee. This bill is an organization bill, not a question of law at all. It is a question of creating an organization to operate under the present law, and I hope in the near future that we will be able to bring in legislation to care for all those referred to by the gentleman from Texas.

The Clerk read as follows:

SEC. 11. The following powers and duties heretofore imposed by law upon the Board of Children's Guardians shall be vested in the board, and the unexpended balance of all appropriations made for the purpose of discharging such powers and duties shall become available to the board: (a) To aid in the enforcement of laws for the protection of children and to cooperate to this end with the courts and all public and reputable private agencies. The board may make temporary provision for the care of children pending investigation of their status; (b) to have the care and legal guardianship of children who may be committed by courts of competent jurisdiction and to make such provision for their care and maintenance, either temporarily or permanently, in private homes or in public or private institutions as the welfare of the child may require. The board shall cause all of its wards placed out under care to be visited as often as may be required to safeguard their welfare, and when children are placed in family homes or private institutions, so far as practicable, such homes or institutions shall be in control of persons of like faith with the parents or last surviving parent of such children; (c) to provide care and maintenance for feeble-minded children who may be received upon application or upon court commitment, in institutions equipped to receive them, within or without the District of Columbia.

The foregoing enumeration shall not be in derogation of any further powers and duties now vested by law in the Board of Children's Guardians, and such powers and duties are hereby vested in the board.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 8, line 4, after the word "Columbia" strike out the period, insert a colon, and add the following proviso, to wit: "*Provided*, That under the provisions of this act no child shall be taken from the custody of its parent or parents except upon the ground of immorality of such parent or parents, and where the father and mother are financially unable to care for the child or children, the mother shall be paid the same compensation for their care as would be paid to outsiders under the practice heretofore prevailing."

Mr. ZIHLMAN. Mr. Chairman, I make the point of order that the amendment is not germane to this paragraph. I call the attention of the Chair to the fact that commitments to these institutions are made by the juvenile court of the District of Columbia. This bill relates entirely to care in institutions reformatory in nature, and to the House of Correction, and to the merging of the boards now controlling and administering these institutions into one board. It does not attempt to deal with the law providing for the commitment of children or other delinquents, and I call the attention of the Chair to the fact that this matter of child welfare has been gone into very carefully by the Congress, that many years ago the commitment of children was vested in the police court of the District of Columbia and that later certain powers were conferred on the Board of Children's Guardians. Now this power is vested entirely in the juvenile court of the District of Columbia, which has exclusive jurisdiction of children committing crimes under 17 years of age. This amendment seeks to change that law. It seeks to limit the power conferred by Congress upon the juvenile court. A bill amending the act creating the juvenile court is pending before the legislative committee which reported this bill. I am in sympathy with the object sought to be attained by the gentleman from Texas, but this is not the orderly or the proper manner of attempting to provide for the commitment of these children. This amendment has no place on this bill.

The CHAIRMAN. Does the gentleman from Texas desire to be heard?

Mr. BLANTON. Mr. Chairman, this amendment is certainly germane under the existing law. This bill is to take the powers and jurisdiction of all the various welfare boards which now operate in the District of Columbia and combine them into one board under one head known as the director of public welfare. It gives the director of public welfare and the new board all of the combined powers and authorities which are now exercised by all the various boards in Washington at this time. What is the situation here?

Mr. KELLER. Will the gentleman yield for one question?

Mr. BLANTON. I will yield.

Mr. KELLER. The present power is under the juvenile court, and what the gentleman is trying to do——

Mr. BLANTON. I know where the present power is. It is mainly in the Board of Children's Guardians. I know how these boards have been operating. I have heard some of their members testify. Mr. Chairman, some of these boards have access to and control of big funds, charitable funds, which are donated by charitable-minded people all over the country. This director of public welfare could have in the exchequer of his board quite a large sum of money that is contributed by charitable people in the country. Out of these funds they will pay to some stranger $20 a month apiece for each child taken away from the parents. That is the present law. They can do that now. They can go out and take a child now from its mother when the mother is a proper person, when its mother is a moral woman, not one charge they will bring against her, not one except her poverty. They say she is not able financially to give this little child the kind of food and kind of clothing and the housing that it should have, and cold-heartedly they have taken little girls away from their mothers, put them in homes which were immoral, immoral to such an extent that little girls have become mothers in another

home. That is how badly some of them were treated, and the man who mistreated them was paid $20 a month each for taking care of these little girls. That is the point I am trying to reach here. Why is it not germane? What is there about this bill that does not refer to the very subject matter that the amendment refers to?

Mr. BOYCE. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. BOYCE. May I inquire whether these various boards which are to be supplanted by this new board exercised the power of commitment without some judgment of a court?

Mr. BLANTON. They initiate the action, but finally get a commitment. Here is what they do: They sneak around into the homes and find children, and they then initiate action against them that culminates in a court judgment. They tell the court that these little children ought to be taken away from the mother, and they take these little children down here before the juvenile court and have them committed to them. This amendment, if you pass it, will stop it. If you pass this amendment the juvenile court will not continue to do that thing longer, because the board will not start the case.

Mr. McKEOWN. Do they give the mother the preference?

Mr. BLANTON. No; they do not give the mother the preference, because under the present law they are prevented from giving the mother any pay, but this same money they pay to somebody else.

Mr. RAKER. Under the present law, and this is simply——

Mr. ZIHLMAN. Mr. Chairman, I raise the point of order that the gentleman is not speaking to the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Texas speak on the point of order.

Mr. ZIHLMAN. I make the point of order the gentleman is not confining himself to the point of order on this proposition.

The CHAIRMAN. The Chair is interested in hearing from the gentleman from Texas on the question of germaneness of the amendment and not upon the merits.

Mr. BLANTON. In other words, there are laws now which permit all of these various boards to take care of little children.

The CHAIRMAN. Does the gentleman from Texas state that the effect of the amendment would be to change the jurisdiction of the juvenile court?

Mr. BLANTON. Not at all, only indirectly. Here is the change. The juvenile court will not then pass on these children, because in cases where the mother is moral, but poverty stricken, the board will not initiate proceedings against them in court but will pay the same money to the mother, and not to a stranger.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HILL of Maryland. Line 12 has this provision: "The board may make temporary provision for the care of children pending investigation of their status." If that does not give this board entire control of the children, what words could possibly do it?

Mr. BLANTON. The bill gives the board absolute control. There was an attempt a while ago by amendment to make it "supervision" and that was voted down. This gives absolute control of every destitute and delinquent child in the District, and they now take charge of these children in the District.

Mr. RAKER. Will the gentleman yield.

Mr. BLANTON. Yes; but the Chair may be ready to rule.

Mr. RAKER. He can withhold it for the moment.

The CHAIRMAN. The Chair will listen to the gentleman from California.

Mr. RAKER. Under the present law of the District of Columbia can any organization, that is, charitable organization or otherwise, outside of the juvenile court go to any home and legally take a child from that home?

Mr. BLANTON. They have gone to home after home and taken the children, and they were without any authority of law for it.

Mr. RAKER. It is not what they have done, but can they do it legally?

Mr. BLANTON. In my judgment they have done it both legally and illegally, and I am trying to stop it by this amendment.

The CHAIRMAN (Mr. CRAMTON). The Chair is ready to rule. The bill before the committee is "to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes," and it proceeds to abolish certain agencies and consolidate their work under one new agency to be known as the board of public welfare. It enumerates certain institutions which are placed under the control and management of this new board and provides for the work of that board in connection with its supervision of these institutions and the supervision of those persons who come under its jurisdiction under the law, and it provides for certain powers and duties heretofore exercised by other agencies to be consolidated under this new board.

The amendment offered by the gentleman from Texas [Mr. BLANTON] provides, first, that no child shall be taken from the custody of its parent or parents except upon the ground of immorality of such parent or parents; and secondly, where the father and mother are financially unable to care for the child or the children the mother shall be paid the same compensation for caring for the child as is paid the outsiders heretofore under the practice prevailing; in other words, a mother's pension.

At the present time the bill before us does not apparently in any way touch upon the jurisdiction of any existing court. It does not apparently make any change whatever or touch upon the methods to be followed in committing individuals to the several institutions referred to, or in placing individuals under this board of welfare, except it may be the language referred to by the gentleman from Maryland [Mr. HILL] as to the temporary care of children pending an investigation as to their status. But that is only with reference to a temporary care, not with reference to any permanent care, while the amendment offered by the gentleman from Texas is addressed directly and entirely to a permanent disposition of the child.

Mr. BLANTON. Will the Chair permit an inquiry?

The CHAIRMAN. Very briefly.

Mr. BLANTON. Suppose this director of public welfare should attempt to take the Chairman's child away from him temporarily. Is not that just as much an invasion of the rights of a home as if they sought to do it permanently?

The CHAIRMAN. If the gentleman's amendment were addressed solely to the restriction upon the temporary taking of children, his question might be of importance. But his amendment is not restricted to that.

Now, the law provides that—

No person under 17 years of age shall hereafter be placed in any institution supported wholly or in part at the public expense until the fact of delinquency or dependency has been first ascertained and declared by the said juvenile court. All children of the class now liable to be committed to the Reform School for Boys and the Reform School for Girls shall hereafter be committed by the juvenile court to said schools, respectively. All other children delinquent, neglected, or dependent (with the exceptions hereinbefore stated) shall hereafter be committed by the juvenile court to the care of the Board of Children's Guardians, either for a limited period of probation or during minority, as circumstances may require, and no child once committed to any public institution by the order of the juvenile court shall be discharged or paroled therefrom or transferred to another institution without the consent and approval of the said court.

The bill has nothing whatever that is making any change in the jurisdiction of any court with reference to these matters. The amendment of the gentleman from Texas proposes a restriction that would affect the jurisdiction of those courts. It even goes so far as probably to nullify the jurisdiction of any court to commit an individual to the Home for the Feeble-Minded because of mental defectiveness, unless moral delinquency of the parents also could be shown.

The second provision is clearly introducing the question of a mother's pension. There is nothing in the bill making any provision as to payments to be made to parents or anyone else for the care of these children.

Mr. BLANTON. Mr. Chairman, will the Chair permit a question?

The CHAIRMAN. Yes.

Mr. BLANTON. That is the present law, that they, out of this charitable fund that they receive, can pay $20 a month per child to outsiders to take care of the child, but not to the mother. This is only in a case where, instead of paying that money to an outsider to take care of the child, they could pay that money to the mother?

The CHAIRMAN. How far the Committee on the District of Columbia could have gone in framing this bill to make it a universal welfare code for the District of Columbia is a question that we need not attempt to answer here. The committee have elected to restrict this bill to certain lines; and in the judgment of the Chair the amendment of the gentleman from Texas is not germane to the section for the reasons stated, and the point of order is sustained.

Mr. BLANTON. I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Texas appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. WINGO. Mr. Chairman, I want to be heard for a moment.

The CHAIRMAN. The Chair will hear the gentleman from Arkansas.

Mr. WINGO. Mr. Chairman, I want the committee as well as the chairman to answer me this question: What do the lines 5 to 8, on page 8, mean? I would also like to ask that question of the chairman of the committee. They read as follows:

The foregoing—

That refers to the enumeration of powers which the gentlemen have been discussing and to which the amendment is offered—

The foregoing enumeration shall not be in derogation of any further powers or duties now vested by law in the Board of Children's Guardians, and—

Not "but"—

And such powers and duties are hereby vested in the board—

In small letters, indicating the board created by this act, not the Board of Children's Guardians.

Now, I have an idea that what the committee had in mind is the opposite to what the language in the bill conveys. There is no question about that, and I challenge any lawyer to contradict it. I want to find out whether I am in error in suspecting that they intended just the opposite to what is provided in the bill, because it would have an effect upon the point of order. If the language means plainly what it says, then it will affect this point of order.

Now, let us analyze it. It says:

The foregoing enumeration shall not be in derogation—

Of what? The powers referred to in the preceding paragraph? Oh, no—

of any further powers or duties now vested by law in the Board of Children's Guardians—

And then the word used is "and" and not "but"—

And such powers and duties are hereby vested in the board.

What powers and duties? What do they relate back to? What are such powers and duties? Are they the powers and duties enumerated and last referred to? If so the bill specifically provides that they shall be vested in the board that is created by this act. Now, is that true?

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. NEWTON of Minnesota. I am not a member of the committee, but it is my idea from a reading of the words "and such powers and duties" that the word "such" applies not to the powers enumerated in this bill but to the powers that are vested by law and that are not specifically enumerated in this bill.

Mr. WINGO. If that had been meant would the word "but" have been used and not the word "and"?

Mr. NEWTON of Minnesota. Not at all.

Mr. WINGO. Yes; that word would have been used.

Mr. NEWTON of Minnesota. Certainly not.

Mr. WINGO. You would have said, "the foregoing enumeration shall not be in derogation of the powers" of what? Of the Board of Children's Guardians?

Mr. MOORE of Virginia. The gentleman will find the same difficulty at the top of page 7.

Mr. WINGO. For illustration, at the top of page 2, where you have the general delegation of powers, I find—

There is hereby created in and for the District of Columbia a board of public welfare, hereinafter called the board, which shall be the legal successor to the boards specified in section 1 and shall succeed to all of the powers, authority, and property and to all the duties and obligations heretofore vested in or imposed by law upon such boards.

Then on page 7 you specifically provide:

The foregoing enumeration shall not be in derogation of any further powers or duties now vested by law in the Board of Charities, and such powers and duties are hereby vested in the board.

Now, you have the same provision with reference to the Board of Charities and you have the same provision with reference to the Board of Children's Guardians, and you say that those duties shall be vested in the board, and you use a small letter in spelling the word "board," and that must have reference to the board covered in this bill. I will ask the gentleman to explain that to me.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. ZIHLMAN. Section 11 sets forth certain duties imposed upon the Board of Children's Guardians and enumerates them, but not all of them. Then it is provided:

The foregoing enumeration shall not be in derogation of any further powers.

What are the further powers? Here is the act creating the Board of Children's Guardians:

That the board shall be the legal guardian of all children committed to it by the courts, and shall have full power to board them in private families.

That is one of the further enumerated powers—to board them in institutions willing to receive them."

That is, institutions other than those owned by the District government.

To bind them out or apprentice them, or to give them in adoption to foster parents.

Those are some of the further powers.

Mr. WINGO. Are those some of the powers that are not enumerated in section 11?

Mr. ZIHLMAN. They are.

Mr. WINGO. Now, you say that the powers which are enumerated in section 11 shall not affect the further powers that are named in the statute which you have just read, but that such further powers, which you have just read, shall be vested in the board. What board? By all rules of legal intrepretation the board you are creating by this act. Now, I contend that the amendment referred to is properly in order because it covers the very identical question in one of the paragraphs you have just read.

Mr. ZIHLMAN. I will say to the gentleman that the point of order is not leveled against that point but because the amendment has to do with the question of commitment, taking the power of commitment away from the juvenile court, where it is now lodged by law, and putting a limitation upon the powers vested in the juvenile court. I want to say to the gentleman that we are dealing with child-caring institutions.

Mr. WINGO. But the gentleman overlooks the fact that the powers he read cover these same powers, and the phrase he refers to is a legal phrase.

Mr. ZIHLMAN. I said commitment by the courts.

Mr. WINGO. But if you give this board the power to bind a child out you vest in the board the same power the court now has to commit a child to any home. In one instance you vest the power in a court and then by another name you vest the same power in a board, a power that is specifically given to the court. You can not escape that conclusion when you say that this board shall be authorized to bind out children and put them in certain custody. That is another way of saying they can commit them just like a court. It has the same effect.

The effect is the same in having them committed by the court and put in charge of certain institutions or families and giving the board the power to bind them out and place them in certain institutions or families. The effect is the same, although one is called a commitment by the court while the other is an order of the board. There is no difference.

Mr. ZIHLMAN. I call the gentleman's attention to the language of the amendment, which provides that no child shall be taken from its home; it does not provide for commitment by the court.

Mr. WINGO. The bill provides for the commitment of children to homes or families, and is it not germane to have another provision with reference to that?

Mr. ZIHLMAN. I do not think so, because the amendment says, in substance, that no court can take a child from the home unless—and then it lays down the specifications under which that can be done.

Mr. CRISP. That goes to the merits of the amendment.

Mr. WINGO. Yes; that goes to the merits of it. If you have given this power by inference, as I contend, by the language you have just read, is not that in conflict with the general powers of the court, and if that be true has not the committee itself by that very language brought that into question? But even if it had not, if the gentleman undertakes to say that "such other powers" that are referred to here and specifically vested in the board, shall be exercised in a certain way, that does not vitiate this amendment.

Mr. ZIHLMAN. If the gentleman's amendment had read, "any child committed by a court," and then had gone on and stated certain specifications, the amendment would be in order.

Mr. WINGO. No; because this power that the court now has you say here shall specifically be vested in the board.

Mr. ZIHLMAN. After they are committed by the court.

Mr. WINGO. I am probably in error, but I do not thus interpret the language used.

Mr. ZIHLMAN. That is what the law now provides.

Mr. KELLER. We do not enact any new law but simply transfer certain powers.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. BLANTON. Gentlemen, you are to pass upon and finally settle this appeal I have made from the decision of the Chair, and before you do that I want you to understand that there never has been a child taken away from its parents in the District of Columbia except by action initiated by this Board of Children's Guardians. They are the ones that start the proceedings. They are the ones that cause the child to be taken, and I will tell you how they do it. They go to a home and find out where the children are, and find a poor mother distressed and helpless, and they take steps, through a court, it is true, to take that child away. They imagine that the child is not getting enough to eat. Instead of giving their charity money to the mother and let her keep her children, they file proceedings, take the child away, and pay a stranger $20 per month to keep it.

I hope, therefore, that you colleagues who favor my amendment will vote not to sustain the Chair's decision, but will vote "No" in favor of my appeal. I am trying to stop the initial action being taken by them that ends in the child being taken away from its parents, and if you will not sustain the Chair, and will pass this germane amendment which I have offered that they shall not take them, but must pay the money to the mother, there will not be any action before a court, because their hands will be tied in the beginning.

The present law permits the Board of Children's Guardians to go into a home and take the child and farm it out to somebody. We had before us some little children who were farmed out to some parties living in the country, and they were required to get up before day and milk cows and do the farm work and plow all day or haul logs all day, and they testified that they ate at a separate table, and that although it was on a farm, they had chicken to eat about once a year. They were treated very harshly, and whipped so that they ran away from the farmer's house.

This board can take the child and pay somebody else $20 a month out of a fund which they have to take care of the child, but they say they have not any law to pay that money to the mother. The only change in the law I have proposed is to give them that authority and, instead of paying this $20 a month, where the mother is impoverished, to somebody else, to pay it to the mother where she is not able financially to take care of them.

This bill deals with the whole subject of the general welfare of children and changes every single law we have except the juvenile court law, which is a separate proposition entirely. If you pass this amendment, we will not have any trouble about the children, because the board will not initiate these proceedings in court which result in a child being taken away from its parents, because they will be estopped by the provisions of this proposed law.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. HILL of Maryland. According to the language in lines 14 and 15 on page 7, this board has the following power: "to have the care and legal guardianship of children who may be committed by courts." They can do anything they please with any child. They can commit it back to its mother, or they can commit it to anybody else, absolutely. It makes them absolute guardians of them.

Mr. BLANTON. Yes; that is true. And if you will look at the clause that the gentleman from Arkansas [Mr. WINGO] called attention to, it gives this board every power that this Board of Children's Guardians now has, and one of those powers is to farm out little children to some one else, and another power is to pay somebody else to take care of the children, instead of paying the money they have for that purpose—lots of which has been donated by charitable-minded people for the benefit of the children—to the mother. They will not let it be paid to the mother, but pay it to somebody else, and I am trying to get that law changed, which is not applicable to the juvenile court, but is applicable to the Board of Children's Guardians.

Mr. BOYCE. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. BOYCE. Does the gentleman know of any law whereby any one of these boards that are to be superseded by this new board has the power to farm out these children as the gentleman states?

Mr. BLANTON. The gentleman from Maryland [Mr. ZIHLMAN] read you that law a few minutes ago. The board that now has the power is the Board of Children's Guardians. They not only now have the power by law but they have been doing that for years.

Mr. HILL of Maryland. Absolutely.

Mr. BOYCE. Read the law.

Mr. BLANTON. Will the gentleman from Maryland [Mr. ZIHLMAN] read that code again? I have not it before me.

Mr. HILL of Maryland. The gentleman from Maryland [Mr. ZIHLMAN] has the law which was just read. The law provides for that and this bill perpetuates it.

Mr. BLANTON. The gentleman from Maryland [Mr. ZIHLMAN] will not deny they now have the power to farm them out and to pay others $20 per month to care for them, and the gentleman from Maryland has just read it from the code.

Mr. BOYCE. These boards, so far as I have any understanding in relation to them, have no such power under the law.

Mr. BLANTON. The gentleman is mistaken. They have it now.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that debate on the pending appeal be closed in five minutes.

Mr. LAGUARDIA. Mr. Chairman, I desire to be recognized.

Mr. McSWAIN. I object. I want to be recognized, Mr. Chairman.

Mr. ZIHLMAN. Mr. Chairman, I move that debate on the pending appeal close in 10 minutes.

Mr. RAKER. Will not the gentleman make it 15 minutes? I would like to have five minutes.

Mr. CHINDBLOM. Mr. Chairman, I would like to inquire whether some one supporting the decision of the Chair will have an opportunity to speak. So far all of the speeches have been in support of the point of order.

Mr. RAKER. I would like five minutes in support of the ruling of the Chair.

Mr. LAGUARDIA. I would like five minutes in opposition to the ruling of the Chair.

The CHAIRMAN. The question is on the motion of the gentleman from Maryland [Mr. ZIHLMAN] that all debate on the pending appeal close in 10 minutes.

The question was taken; and on a division (demanded by Mr. ZIHLMAN) there were—ayes 52, noes 34.

So the motion was agreed to.

Mr. CHINDBLOM. I would like to ask the gentleman from Texas [Mr. BLANTON] whether the gentleman's amendment will prevent this board in all cases from doing the things of which he complains?

Mr. BLANTON. Yes; it will.

Mr. CHINDBLOM. Not only under the provisions of this bill but under the provisions of the present law?

Mr. BLANTON. Yes; it will stop them from initiating proceedings.

Mr. CHINDBLOM. Then, Mr. Chairman, under the interpretation of the gentleman's own amendment, I submit that it is the duty of the committee to support the Chair. I trust that in sitting upon an appeal from the decision of the Chair we shall consider the parliamentary question and not the merits of the issue itself.

Mr. RAKER. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. RAKER. Take subdivision page 8, lines 5 to 8, and referring it to section 11, I will ask the gentleman if all in that section is not summed up in these words: That the powers and duty now vested by law in the Board of Children's Guardians shall be and hereby are vested in the board created by this act? Is not that all there is in the whole section?

Mr. CHINDBLOM. Section 11, paragraph b, provides that the board shall have the care and legal guardianship of these children only when committed to the board by the court. The gentleman from Texas has just admitted in answer to my query that he construes his own amendment to mean that the board shall have jurisdiction in all cases; that his amendment shall apply to all cases.

Mr. BLANTON. Oh, no.

Mr. CHINDBLOM. That is what I asked the gentleman.

Mr. BLANTON. The gentleman got his words mixed up so that I did not understand.

Mr. CHINDBLOM. Now, who is there in this committee who will say that the second section of this amendment is at all germane to anything in the bill?

> Where the father and mother are financially unable to care for the children, the mother shall be paid the same compensation for their care as would be paid to outsiders under the practice heretofore prevailing.

That is nothing but a provision for a mother's pension.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. MOORE of Virginia. Is there anything to that effect in any previous law?

Mr. CHINDBLOM. I do not know, but it is not germane to this law.

Mr. WINGO. I want to say to the gentleman that there is. I presume the gentleman wants to arrive at what the law is. The language was quoted a while ago at top of page 8: "Any further powers or duties now vested by law in the Board of Children's Guardians, and such powers and duties are hereby vested in the board." That means the powers and duties of the Board of Children's Guardians, other than those incorporated above. I have before me the statute in reference to the powers and duties of the Board of Children's Guardians. I will read the language. The first part covers children that are committed by the court. The second does not say anything about the court:

> All children who are destitute of suitable homes and adequate means of earning an honest living, all children abandoned by their parents or guardians, all children of habitually drunken or vicious or unfit parents, all children habitually begging on the streets or from door to door, all children kept in vicious or immoral associations, all children known by their language or life to be vicious or incorrigible whenever such children may be committed to the care of the board by the police court or the criminal court of the District.

In other words, "such powers vested in the board"—the word "board" refers to the board created by the bill. And one of the powers is to decide how the children may be cared for.

Mr. CHINDBLOM. My good friend will not deny the proposition that the effect of this language will be to change the jurisdiction and the power of the juvenile court.

Mr. WINGO. No; what I read was cited by the gentleman from Maryland [Mr. ZIHLMAN] as the Board of Children's Guardian law. It probably has been amended.

Mr. LAGUARDIA. Mr. Chairman, I desire to call the attention of the committee to the parliamentary aspects of the pending appeal. I am in favor of the amendment but shall not discuss the merits. This is a legislative bill, and I am sure that Members will agree that a greater degree of latitude must be allowed on the question of germaneness of an amendment to a legislative bill than on an appropriation bill. If the ruling of the Chair is sustained it will have a tendency to further curb the privilege and possibility of amendment on the floor of the House. The gentleman's amendment is to a section that gives power to the board to place a child in a family instead of an institution, and clearly if the section gives authority to this board to place a child in an outside family, paying for its board, an amendment which authorizes the board to keep the child in its own family and pay the same amount is germane. Clearly when it provides in this very section for the care of these children, and payment for the care of the children in a strange family, an amendment providing for the payment to their own family where the family is destitute is clearly germane to the section.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HILL of Maryland. This can not possibly create anything like a mother's pension, because the bill says, "*Provided*, That under the provisions of this act," and it would relate to the old act.

Mr. LAGUARDIA. Exactly. All it does is to define the powers of this board in placing a child, first, if the parents are moral; then the first care belongs to the natural parents of the child. In the event that there is immorality or improper guardianship then the child goes to another family. If this amendment is not germane then we further tend to curb and limit the use of amendments from the floor of the House.

This is a legislative bill and not an appropriation bill, and I submit that we have a greater degree of latitude on the question of germaneness. It is no disrespect to the present occupant of the chair to overrule his decision. I appeal to my colleagues who believe in the freedom of amendment from the floor of the House to overrule the decision of the Chair. Clearly, if this amendment is not in order, then the privilege of amendment is further curbed. The gentleman's amendment deals with two subjects, one, financial assistance to destitute families where there is no question of improper guardianship, and limiting the powers of commitment to an institution. Both of these subjects are specifically provided in section 11, to which the amendment of the gentleman from Texas is offered.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and the Chair being in doubt, the committee divided; and there were—ayes 40, noes 52.

So the decision of the Chair was overruled.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

Mr. ZIHLMAN. Mr. Chairman, I desire to be heard briefly on this subject. As I remember the language of the amendment, it provides that no child shall be taken from any home unless it is shown that the parents are immoral, or words to that effect, and it, in effect, sets up a system of mothers' pensions as applied to indigent parents.

Mr. STEVENSON. I understood from any home where they are able to maintain it.

Mr. ZIHLMAN. This amendment does not specify anything but that no child shall be taken from the home against the wishes of its parents unless it can be shown that they are immoral. I am not prepared to say how far that amendment goes, but it seems to me that it interferes with the authority of the juvenile court, which is charged with the administration of laws against delinquent children. If that is not correct, then I wish some of the lawyers would inform us as to that. I am in thorough sympathy with the idea expressed by the gentleman from Texas and what he is trying to obtain by this amendment, but I do not believe that this is the place to legislate upon that subject. The legislative committee has a bill before it now dealing with the powers of the juvenile court, and the committee should be given an opportunity to go into this matter thoroughly. I contend that this language does invade the jurisdiction of the juvenile court.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. JOHNSON of Washington. Before the committee votes on this it ought to know something about the experience of States that have this pay-the-mother system. This board of juvenile guardians deals with 1,600 children a year. It costs quite a sum of money. A person would be surprised to know the number of parents in desperate circumstances, sometimes with children that are poorly born, who will try to get them placed out to get the $20 into their hands as proposed by this amendment. I doubt very much the wisdom of it. I wish the members of the committee had time to read the hearings before the Committee on Appropriations. These children are put into the hands of relatives wherever possible.

Mr. BLANTON. Mr. Chairman, I want to answer the gentleman, in the time of the gentleman from Maryland, that this does not apply to any new fund; it does not provide a mothers' pension; it affects only the fund they now pay out to somebody else. It does not enlarge it at all.

Mr. JOHNSON of Washington. We are dealing with children. Here it tells of a hundred little syphilitic children per year.

Mr. BLANTON. I predict that there will be much less paid out under this provision than under the present system.

Mr. BOYCE. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. BOYCE. Will the gentleman yield?

Mr. ZIHLMAN. When the gentleman reads the existing law I wish he would cite something for my information as to how this affects the children who are to be committed by the courts——

Mr. BOYCE. Mr. Chairman and gentlemen of the committee, the gentleman from Arkansas [Mr. WINGO], as I understood him, relies upon an act passed July 26, 1892, giving powers and jurisdiction to the Board of Children's Guardians. On March 19, 1906, many years after the act to which I have just called the attention of the committee, there was passed an act creating the juvenile court in and for the District of Columbia, and vested in that court all the powers and jurisdiction which were originally vested in the Board of Children's Guardians.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. WINGO. I ask that the gentleman may have five minutes more, so that the gentleman can complete his statement.

The CHAIRMAN. Does the gentleman from Delaware ask for recognition?

Mr. BOYCE. I do not wish to consume the time of the committee, and I think I have said all that is necessary; but if I had more time——

Mr. CHINDBLOM. Does the gentleman yield?

The CHAIRMAN. The gentleman from Delaware is recognized.

Mr. CHINDBLOM. For one question. Is that the last legislation on the subject, does anybody know?

Mr. BOYCE. I have not had time to fully examine. I am satisfied, so far as I have been able to examine, that the act of 1892 has been superseded by the act of 1906. Under section 8 of the act of 1906, creating the juvenile court, the said court is given all the powers and jurisdiction conferred by the act entitled "An act for the protection of children," and so forth, approved February 13, 1885, upon the police court of the District of Columbia; and also the said juvenile court is invested with the powers and jurisdiction conferred by the act entitled "An act to provide for the care of dependent children in the District of Columbia, creating the Board of Children's Guardians," approved July 26, 1892, including the acts amendatory thereof. So that it seems to me, from the hurried examination which I have been able to make, that the powers and jurisdiction of the Board of Children's Guardians have been unmistakably vested in the juvenile court by the act of 1906.

Mr. WINGO. Mr. Chairman, so my friend from Delaware will understand, I simply took the statute cited to me by the gentleman from Maryland, and I think it is obvious that law has been superseded, but that is a moot question so far as this amendment is concerned.

Mr. BOYCE. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. BOYCE. Now, I am in full sympathy with the amendment and wish I thought it was germane to this act——

Mr. WINGO. The committee has decided that.

Mr. CHINDBLOM. Will the gentleman yield? The gentleman says this is a moot question; it is settled.

Mr. BOYCE. It was settled wrongly, in my opinion. The difficulty which I have had in reaching a conclusion is that in section 1 of the bill under consideration certain boards are named and they are to be superseded by a single board named in this act; that is, the Board of Public Welfare, which latter board is to be given all the powers, authorities, property, and all the duties and functions heretofore vested in or imposed by the law upon the boards mentioned in the first part of the act.

Mr. WINGO. Now, that may be true. Gentlemen, I want to submit this to the committee. Let us see what the amendment is. It has been decided by a vote of the committee to be germane, and I think correctly. What does the amendment do? That is what we want to vote on.

Now, let us see. I have the amendment before me. It reads:

Provided, That under the provisions of this act no child shall be taken from the custody of its parent or parents except upon the ground of immorality of such parent or parents, and where the father and mother are financially unable to care for the child or children the mother shall be paid the same compensation for their care as would be paid to the outsider under the practice heretofore prevailing.

Gentlemen, listen. You can not challenge the fundamental proposition that where the home is moral that is where the child ought to be. [Applause.] Why, gentlemen, this new philosophy that seeks to take children from the influences of home and from the direct care of the mother and farm children out would have robbed this Nation of an Abraham Lincoln. [Applause.] A home may have a dirt floor, and, as some people who came before this committee testified, the paper may be hanging in shreds on the wall; but where the mother is there that child should be kept. [Applause.]

If there is anything that makes my blood boil, it is the activity of these well-meaning, yet misguided, people who think the State can create some kind of civil institution that is superior to a mother's care. As long as that mother is virtuous and honest, however poor that home may be, the child ought to be kept in the mother's care. [Applause.]

Gentlemen, if you had this provision now enacted into law, there would not have occurred that tragedy in this city which was reported in this morning's papers, where a poor woman with two children, finding the tides of life pressing upon her too heavily, took her own life and that of her children so that they should not become dependent or placed in the care of anyone else. We would do better, perhaps, even to waste some of the money of the taxpayers and incidentally give pecuniary help to worthless and shiftless mothers rather than take one child from a worthy mother simply on account of poverty. You should pay this $20 a month that is now paid outsiders to a mother who is honest and virtuous if she is financially unable to maintain her child without that help. [Applause.]

Mr. UNDERHILL. Mr. Chairman, that was a beautiful speech [applause], but the present applause is intended to be derisive as well as enthusiastic.

Mr. UPSHAW. No; genuine; sincere.

Mr. UNDERHILL. But the speech does not touch the real situation. The gentleman from Arkansas [Mr. WINGO], together with myself, voted against the child-labor amendment at the last session [applause], and we did so in the belief that the proper place for the childhood of the Nation is in the mother's care and keeping. But what are you doing in this amendment? You are providing that the only ground whereon a child can be taken from its mother is on the charge of immorality. That is the thing you are doing. But what is the result? You are placing a stigma on every child taken from its mother——

Mr. ROMJUE. Will the gentleman yield?

Mr. UNDERHILL. No; I regret I can not.

Mr. ROMJUE. What other grounds would you assign?

Mr. UNDERHILL. Even if there were no other grounds, it is often wise to dissemble. It is no disgrace to be poor. It is to be immoral. If you say that the reason you are taking a child away from its parents is because the parent is unable to care for it, that is much better than to have the child held up to ridicule and scorn by his schoolmates, because, unfortunately, the child animal is too often thoughtlessly cruel.

I believe in the mother's pension. It is a law in my State. It has worked well. I hope to see it established here. But I do not believe you should read into this bill or any bill a provision that will make a child an outcast among the rest of the children because of the fault of the parent. This may not be the legal viewpoint to take of it. It may not be the "sob-sister's" idea of it, but it certainly is practical. I have had some experience along this line myself.

Previous to my coming to Congress, for five years I was president of the associated charities of my city. What we try to do is to protect the child and not talk a whole lot about the mother's failings. Some of them are really unworthy to have children and unfit to have children, so it is sometimes wise to take a child away from its mother and put it into other environment. In the hearings before this committee, not only this year but in other years, it has been shown conclusively that the Board of Children's Guardians and the juvenile court have been active in protecting the children in every instance rather than catering to a lot of sensational sob-sisters or sensation-seeking societies and newspapers in the District.

These are the facts in the matter, and if you want to cast a reflection or stigma upon every child who is unfortunate enough to be taken from its parent and placed in a school or placed in the charge of somebody chosen by the juvenile court, go ahead and do it by adopting this amendment.

Mr. ZIHLMAN. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close at the end of five minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Maryland that all debate upon the pending paragraph and all amendments thereto close in five minutes.

The question was taken; and on a division (demanded by Mr. HILL of Maryland) there were—ayes 75, noes 8.

Mr. HILL of Maryland. Mr. Chairman, I object to the vote on the ground that there is no quorum present.

Mr. CHINDBLOM. Mr. Chairman, a point of order. No objection can be made to the vote. The point of order is whether there is a quorum present.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is not a quorum present. The Chair will count.

Mr. HILL of Maryland. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Maryland withdraws his point of order of no quorum, and the motion of the gentleman from Maryland [Mr. ZIHLMAN] to close debate on the pending paragraph and all amendments thereto in five minutes prevails.

Mr. BLANTON. Mr. Chairman, I ask recognition as a member of the committee.

Mr. CHINDBLOM. Mr. Chairman, I make the point of order that the gentleman from Maryland [Mr. ZIHLMAN] made his motion in contemplation of the request of the gentleman from Virginia [Mr. MOORE] for five minutes' time.

Mr. BLANTON. Mr. Chairman, I am a member of the committee. This is my amendment and I have not yet spoken on it.

Mr. CHINDBLOM. The gentleman from Texas has spoken on his amendment, both on the point of order and the amendment itself.

Mr. BLANTON. I have not risen on the amendment at all. The gentleman from Arkansas [Mr. WINGO] was recognized. I have not spoken on the amendment at all.

The CHAIRMAN. It is the recollection of the Chair that the gentleman from Texas has not spoken directly upon the pending amendment, and the Chair therefore feels obliged to recognize the gentleman from Texas for five minutes.

Mr. BLANTON. Mr. Chairman, I want to use but two minutes, because there are other gentlemen who want to be recognized. I will ask the Chair to stop me in two minutes.

The CHAIRMAN. The gentleman from Texas is recognized for two minutes.

Mr. BLANTON. Mr. Chairman and gentlemen, this amendment will not interfere at all with the criminal laws of the District. If a child is criminally incorrigible or if a child is committed for a crime, the criminal laws of the District amply provide for such cases. This amendment does not interfere with that at all. If a child is insane, the other laws of the District relate to it. If there is insanity afflicting the parents or some contagious disease present, the health and other provisions of the District laws relate to it.

This amendment only applies to cases where the Board of Children's Guardians has been in the habit of taking children away from mothers because of alleged poverty of the mother herself. It just changes that provision and requires them before they take a child from a mother to show immorality on the part of the mother, so that the child can not be taken away from its mother because of poverty.

Then the amendment also provides that the funds, most of which have been supplied by charitable persons, shall be paid to the mother of the child—the $20 a month—instead of to somebody else. The amendment provides that they shall have the right to take that charitable money and pay it to the mother for the care of the child. That is all my amendment does, and it does not interfere, as I say, with any of the criminal laws of the District.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HILL of Maryland. Mr. Chairman, as I understand it, there are three minutes remaining which may be applied to subsequent amendments to this paragraph.

The CHAIRMAN. Yes; if the time is not consumed at this time.

Mr. HILL of Maryland. I have an amendment to offer and I want to speak briefly on it.

Mr. MOORE of Virginia. Mr. Chairman, I offer an amendment as a substitute for the amendment of the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Virginia offers an amendment as a substitute for the amendment of the gentleman from Texas, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia as a substitute for the amendment offered by Mr. BLANTON: Page 8, line 4, after the word "Columbia" insert: "Where the child is taken from the custody of its parent or parents because they are financially unable to care for the child, the mother shall be paid the same compensation for its care as would be paid an outsider under the practice heretofore prevailing."

Mr. BLANTON. I accept that amendment, Mr. Chairman.

Mr. ZIHLMAN. Mr. Chairman, the committee will accept that amendment.

Mr. STEVENSON. Mr. Chairman, as I understand it, the proposed amendment provides that you can take the child and pay the mother, too.

The CHAIRMAN. Without objection, the Clerk will report the amendment as corrected by the gentleman from Virginia [Mr. MOORE].

The Clerk read as follows:

Modified amendment offered by Mr. MOORE of Virginia: Page 8, line 4, after the word "Columbia," insert: "Where a child would otherwise be taken from the custody of its parent or parents because they are financially unable to care for the child, the mother shall be paid the same compensation for its care as would be paid an outsider under the practice heretofore prevailing."

Mr. BLANTON. Mr. Chairman, I am willing to accept that amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to accept the amendment of the gentleman from Virginia. Without objection, it is so ordered.

There was no objection.

Mr. ZIHLMAN. The committee is willing to accept the amendment, Mr. Chairman.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. BLANTON] as modified by the substitute offered by the gentleman from Virginia [Mr. MOORE].

The amendment was agreed to.

Mr. HILL of Maryland. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HILL of Maryland: Page 7, line 23, strike out the words "so far as practicable."

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the committee, these words, in view of lines 5, 6, and 7, on page 9, would seem to be contradictory. Those lines on page 9 provide as follows:

Except in the placement of children in institutions under the public control, the board shall place them in institutions or homes of the same religious faith as the parent.

I am entirely in favor of that, and so is the committee; but on page 7 you have a provision as follows:

The board shall cause all of its wards placed out under care to be visited as often as may be required to safeguard their welfare, and when children are placed in family homes or private institutions, so far as practicable, such homes or institutions shall be in control of persons of like faith with the parents or last surviving parent of such children.

In other words, gentlemen, you have in section 13 a mandatory provision covering the whole bill which definitely says that these children must be placed in homes of the same religious faith, and in the words I call your attention to in section 11 you give the same direction, but say "as far as practicable," and I submit they are contradictory, and I hope the committee will agree to my amendment.

Mr. McSWAIN. Will the gentleman yield?

Mr. HILL of Maryland. I yield.

Mr. McSWAIN. Suppose the parents of the child belong to some little religious cult that has not any representation in the institutions of the city or have not any religious faith at all, what are you going to do about that?

Mr. HILL of Maryland. This applies entirely to homes and not to institutions.

Mr. CHINDBLOM. It applies to private institutions.

Mr. ZIHLMAN. Does not the gentleman think we should allow some discretion to the board and not make it mandatory? The words "so far as practicable" seemed to meet the situation.

Mr. HILL of Maryland. You make it absolutely mandatory by the language on page 9, and it seems to me the two provisions are absolutely in conflict. On page 9 you say—

except in the placement of children in institutions under the public control, the board shall place them in institutions or homes of the same religion as the parents.

This is a clear and definite as well as proper provision. However, by the words I seek to strike out in section 11, you create doubt and qualify the above provision. You say "when children are placed in family homes or private institutions, so far as practicable, such homes shall be in control of persons of like faith with the parents or last surviving parent of such children."

I hope you will take away the doubt here created and by adopting my amendment strike out the words "so far as practicable."

The CHAIRMAN. The time of the gentleman from Maryland has expired. All time has expired. The question is on the amendment offered by the gentleman from Maryland [Mr. HILL].

The question was taken; and on a division (demanded by Mr. HILL of Maryland) there were—ayes 13, noes 39.

So the amendment was rejected.

The Clerk read section 13 of the bill.

The following committee amendment was read:

Page 9, line 10, insert a new section as follows:

"SEC. 14. The provisions of this act shall take effect as of July 1, 1925."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read the following committee amendment:

Page 9, line 12, change section 14 to section 15.

The committee amendment was agreed to.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12002) to establish a board of public welfare in the District of Columbia, to determine its functions, and for other purposes, and had directed him to report the same back with sundry amendments with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote, and the amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE

By unanimous consent the following leave of absence was granted:

To Mr. WILSON of Indiana, for two days, on account of sickness.

To Mr. LANKFORD, for five days, on account of sickness in his family.

THE ESTABLISHMENT OF THE POST OFFICE SYSTEM UNDER THE CONSTITUTION

Mr. LEHLBACH. Mr. Speaker, the other day when the resolution for returning to the Senate the postal increase bill was under discussion in the course of some remarks on the bill originally pending, I stated that the post office under the Constitution was first passed in the Senate. The accuracy of that having been challenged, I desire to extend my remarks by printing the proceedings of the first session of Congress, in so far as they relate to that, and the proceedings of the second Congress.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LEHLBACH. Mr. Speaker, on January 31, during the discussion of the resolution to return to the Senate the postal rate increase and salary bill, I expressed the opinion that the origin of this bill in the Senate was not in violation of Article I, section 7, of the Constitution, which provides that all bills for raising revenue shall originate in the House of Representatives.

In support of this view, I stated as a fact that the bill first establishing a postal system under the Government created by the Constitution originated in the Senate and was agreed to by the House of Representatives. My argument was that if a bill creating a postal service and prescribing charges therefor could lawfully originate in the Senate, then a bill altering the charges for postal service could also lawfully originate in the Senate.

I have been asked to substantiate my assertions that the bill creating the Postal Service under the Constitution originated in the Senate.

Accordingly, I quote from the Annals of Congress, First Congress, first session:

SENATE PROCEEDINGS

THURSDAY, SEPTEMBER 10, 1789.

A message from the House of Representatives brought up a resolve of the House of Representatives that until further provision be made by law the General Post Office of the United States shall be conducted according to the rules and regulations prescribed by the ordinances and resolutions of the late Congress, and that contracts be made for the conveyance of the mail in conformity thereto.

This resolve was committed to Messrs. Butler, Morris, and Ellsworth, with an instruction to report a bill upon the subject.

FRIDAY, SEPTEMBER 11, 1789.

Mr. Butler, in behalf of the committee appointed on the 10th of September on the resolve of the House of Representatives, providing for the regulation of the post office, reported not to concur in the resolve, and a bill upon the subject matter thereof;

And, on the question of concurrence in the resolve of the House of Representatives, it passed in the negative.

MONDAY, SEPTEMBER 14, 1789.

Agreeably to the order of the day, the Senate proceeded in the second reading of the bill for the temporary establishment of the post office; and—

Ordered, That this bill have a third reading to-morrow.

TUESDAY, SEPTEMBER 15, 1789.

The Senate proceeded to the third reading of the bill for the temporary establishment of the post office.

Resolved, That the engrossed bill for the temporary establishment of the post office do pass.

HOUSE PROCEEDINGS

TUESDAY, SEPTEMBER 15, 1789.

A message from the Senate informed the House that they have passed a bill for the temporary establishment of the post office, to which they request the concurrence of the House.

WEDNESDAY, SEPTEMBER 15, 1789.

The bill for the temporary establishment of the post office was read for the first time.

THURSDAY, SEPTEMBER 17, 1789.

The bill sent from the Senate for the temporary establishment of the post office was read the second and third time and passed.

The following is the act originated and passed in the manner set forth in the above excerpts:

ANNALS OF CONGRESS

(Appendix, Vol. II, p. 2179)

An act for the temporary establishment of the post office

Be it enacted, That there shall be appointed a Postmaster General; his powers and salary and the compensation to the assistant or clerk and deputies which he may appoint, and the regulations of the post office shall be the same as they last were under the resolutions and ordinances of the late Congress. The Postmaster General to be subjected to the direction of the President of the United States in performing the duties of his office and in forming contracts for the transportation of the mail.

SEC. 2. *And be it further enacted*, That this act shall continue in force until the end of the next session of Congress and no longer.

Approved, September 22, 1789.

The resolutions and ordinances of the Congress under the Confederation, upon the organization of the new Government became inoperative. During the First Congress either new laws were enacted or else, where necessary, the resolutions and ordinances were revived and provisionally enacted into law until original legislation covering such subjects could be framed and passed by Congress.

The ordinance of the late Congress, revived and temporarily enacted as above stated, was a law providing for a postal establishment, authorizing the entering into contracts for the carrying of the mails and fixing charges for the service. Hence this law which originated in the Senate enacting the provisions of the ordinance by reference thereto as much fixed postal rates as if the terms carried in the former ordinance had been restated and reenacted in express words.

The Postmaster General under date of January 20, 1790, submitted a report which was transmitted to the First Congress at its second session, discussing at some length the inadequacy of the revenues raised under the provisions of the act of September 22, 1789. Accordingly, a bill for the regulation of the post office, revising the system established under the act of September 22, 1789, was introduced. This bill eventually went to conference. The conferees reported an incomplete agreement. In consequence the bill was lost.

Thereupon a bill to continue in force for a limited time the law for the temporary establishment of the post office was passed.

The Constitutional Convention was comprised of 42 members, of which 39 signed the completed instrument and 3 refused. Of these 42 members, 17 were Members of the First Congress in which the bill for the temporary establishment of the post office originated in the Senate, was passed and became a law upon receiving the signature of George Washington, President of the United States and president of the Constitutional Convention.

The following members of the Constitutional Convention were Members of the First Congress under the Constitution:

Senators: William S. Johnson, of Connecticut; Richard Bassett and George Read, of Delaware; William Few, of Georgia; John Langdon, of New Hampshire; William Patterson, of New Jersey; Rufus King, of New York; Robert Morris, of Pennsylvania; and Pierce Butler, of South Carolina. Representatives: Roger Sherman, of Connecticut; Abraham Baldwin, of Georgia; Daniel Carroll, of Maryland; Elbridge Gerry, of Massachusetts; Nicholas Gilman, of New Hampshire; George Clymer and Thomas Fitzsimmons, of Pennsylvania; and James Madison, of Virginia.

POSTAL SALARY BILL

Mr. GARDNER of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the postal salary bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GARDNER of Indiana. Mr. Speaker, at last session of Congress, when a bill was before Congress to reclassify the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation, I was for that bill. I appeared before the Joint Committee on Post Offices and Post Roads and expressed myself in favor of a bill to increase the salaries of postmasters and postal employees, and asked that such a bill be reported to the House for passage. When the bill came up I voted for its passage. That bill passed both branches of Congress but was vetoed by the President. I would have voted to have passed that bill over the President's veto if I had had an opportunity to do so. That bill was in no way a revenue bill. I have expressed myself many times to the people of my district as favoring an increase in the pay of the postmasters and postal employees. I am still in favor of such increase. On February 3 of this year Senate bill No. 3674 was before the House and the following resolution was introduced by Mr. GREEN, of Iowa:

Resolved, That the bill S. 3674, in the opinion of the House, contravenes the first clause of the seventh section of the first article of the Constitution, and is an infringement of the privileges of this House, and that the said bill be taken from the Speaker's table and be respectfully returned to the Senate with a message communicating this resolution.

This resolution was for the purpose of sending this bill back to the Senate, thus killing the bill. I voted against this resolution because this Senate bill could have been amended, and the revenue feature could have been changed or even stricken out, and I felt that if this Senate bill was killed by the House, by returning the same to the Senate, then the Members of the House would be forced to vote on a House bill as we are now being forced to vote on this revised Kelly bill, H. R. 11444, under a special rule which gives us no opportunity to amend the bill and gives only 20 minutes debate on each side to discuss the bill—in my judgment a very unfair way to pass such important legislation. This bill proposes to raise the revenue, in a large part, by increasing the postal rates that must be paid by the farmer, the wage earner, and the consumer. And while I am still as strongly in favor of an increase in the pay of these employees as I ever was, yet since this increase must be paid, in a large part, by a class of people who are now overburdened by taxation and many of them in worse condition than those whom we seek to assist, I do not consider that I am bound by any previous vote or statement, as it is not the same legislation that we had before us heretofore, and I can not be in favor of such increases paid in that way. Many of the persons who would be required to help pay this increased taxation are now making less than the employee who is to receive the increase. For example: The rural mail carrier who delivers the mail to the farmer receives in round numbers $1,800 per year. A large majority of the farmers to whom he is delivering the mail are making much less than he is. Many of them are unable to pay their taxes and interest on their mortgages. And a majority of the farmers to whom the rural mail carrier delivers the mail would gladly exchange places with the rural mail carrier who is delivering the mail to the farmer. I have always thought of the mail service as being a service to the people rather than a means of raising revenue. And I now think that the raising of revenue and the delivery of mail should be considered as two distinct forms of legislation rather than making the mail service self-supporting. I think the charge for the delivery of mail should be a reasonable charge for service rather than to be considered as a means of raising revenue. And, as I see it, this bill is simply another way of raising revenue by placing a burden of taxation on those persons who are least able to bear such burden. And again, if the Postal Department is to be made self-supporting, then I see no reason why one class of mail should be carried at such a great loss to the Government and persons who are using another class of mail should be discriminated against and made to pay to make up that loss. The following table of figures, which shows the loss or gain in transporting the mails, is given us by the Post Office Department:

Class of mail matter and special service	Loss	Gain
First class		$80,417,716
Second class	$74,712,868	
Third class	16,291,575	
Fourth class	6,916,753	
Money order	9,540,511	
Registry	10,374,013	
Postal savings		4,701,411
Special delivery	121,997	
Insurance	1,145,959	
Cash on delivery	1,825,437	

The proposed bill provides for increases in rates as follows:

Classes of mail

	Increases
First class	$10,000,000
Second class:	
Publishers	2,998,252
Transient	1,000,000
Third class	18,000,000
Fourth class	13,600,000
Twenty-five-cent special service (parcel post)	3,000,000
Insured service (third class and fourth class)	3,058,147
C. O. D. service (third class and fourth class)	1,103,879
Money orders	3,582,490
Registry service	3,980,000
Special-delivery service	900,000
Total	61,222,768

These figures, given us by the Post Office Department, show that the second-class mail is being carried at a loss of $74,712,868, and this bill provides to increase the revenue on that class of mail less than $4,000,000. While in the fourth-class mail—parcel post—the report from the department shows that on this class of mail there is a deficit of only $6,916,753, yet the proposed bill would increase this class $13,600,000 plus $3,000,000 additional to be derived from the sale of "special service" stamps where speedy service is desired, making a total of $16,600,000. This amount of money would be paid largely by the farming and laboring classes of people. This bill provides to increase the revenue on insured service $3,058,147; on the C. O. D. service, $1,103,879; on money orders, $3,582,490; on registry service, $3,980,000. Much of all of these increases must be paid by the farmer, the laborer, and the smaller taxpayer. While I favor an increase in the salaries of the postal employees, yet I am absolutely opposed to increases in any salaries where the burden, or at least a major part of it, is to be placed on the classes of people who are unable to stand an increase in their already overburdened taxation. And I see no reason why this undue share of the increase of the postal salaries should be put on this class of the service, when there is another class which causes an annual loss to the Government of over $74,000,000 and this last class being increased less than $4,000,000.

If those who furnish this class of mail are entitled to this bonus by reason of educational value or otherwise, then I am in favor of it being paid in some manner other than taxing those who are taxed by this proposed bill to make up this deficit. I believe that on to-morrow this bill is going to pass the House in its present form, because the administration favors it. Yet because this legislation is so changed from the way it started by adding the revenue feature and because of the manner in which these increases are to be paid I am going to let the party in power—the party that is pledged to economy and is pledged to the relief of the farmer—assume the responsibility for the enactment of this law in this manner. And while, as I said before, I have been for legislation to increase the pay of the postmasters and postal employees and am still favoring such legislation, yet for the reason that under this rule we must vote for this legislation, with no opportunity to amend the same or to discuss the same—only 20 minutes on each side—I am going to vote against this rule because I think I am voting in the interest of the majority of the people I represent, and voting in the interest of those who most need consideration in the way of protecting them against increased taxation. I would like to see this rule defeated and the bill come up in the regular way, with an opportunity to offer amendments and discuss the same. But if this bill must and does pass the House just as reported from the committee, then I hope the Senate will so amend the bill as to eliminate these objectionable features.

ADJOURNMENT

Mr. ZIHLMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 10, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

857. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of State for the fiscal year ending June 30, 1925, amounting to $110,896, and for the fiscal year ending June 30, 1926, amounting to $62,000; also, a draft of proposed legislation making the appropriation for the Mixed Claims Commission, United States and Germany, available for the Mixed Claims Commission, United States, Austria, and Hungary, during the fiscal year 1926 (H. Doc. No. 609); to the Committee on Appropriations and ordered to be printed.

858. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the District of Columbia for the fiscal year 1924 and prior years, and supplemental estimates of appropriations for the fiscal years ending June 30, 1925, and June 30, 1926; also, certain audited claims and final judgments, amounting in all to $835,906.40, together with four items of proposed legislation affecting existing appropriations (H. Doc. No. 610); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 12087. A bill to permit the merger of street railway corporations operating in the District of Columbia, and for other purposes; without amendment (Rept. No. 1418). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISH: Committee on Foreign Affairs. H. R. 12165. A bill authorizing the erection of a monument in France to commemorate the valiant services of colored American infantry regiments attached to the French Army; without amendment (Rept. No. 1419). Referred to the Committee of the Whole House on the state of the Union.

Mr. ANDREW: Committee on Naval Affairs. H. R. 11924. A bill to relieve persons in the naval service of the United States during the war emergency period from claims for overpayment at that time not involving fraud; with amendments (Rept. No. 1420). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PATTERSON: Committee on Naval Affairs. H. R. 10631. A bill for the relief of Harold G. Billings; with an amendment (Rept. No. 1421). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEAGALL: A bill (H. R. 12221) to amend the second paragraph of section 7 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. SHERWOOD: A bill (H. R. 12222) authorizing the sale of the old Federal building at Toledo, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. ZIHLMAN: A bill (H. R. 12223) to create the Federal city planning commission; to the Committee on the District of Columbia.

By Mr. KELLY: A bill (H. R. 12224) to authorize the erection of a Veterans' Bureau hospital in Philadelphia, Pa., and the construction of additional facilities at Aspinwall, Pa.; to the Committee on World War Veterans' Legislation.

By Mr. LINEBERGER: A bill (H. R. 12225) to provide for the diversion of water for municipal and domestic usage and for other purposes incident thereto from the Colorado River, State of California; to the Committee on Rivers and Harbors.

By Mr. KELLER: Memorial of the Legislature of the State of Minnesota, protesting against the tapping of the Great Lakes into the Chicago Drainage Canal; to the Committee on Rivers and Harbors.

By the SPEAKER (by request): Memorial of the Legislature of the State of South Dakota, favoring the enactment of legislation that will give the same protection to agriculture as is now afforded to industry and labor; to the Committee on Ways and Means.

Also (by request), memorial of the Legislature of the State of Minnesota, protesting against the continuation of the illegal taking of water from the Great Lakes through the Chicago Drainage Canal; to the Committee on Rivers and Harbors.

Also (by request), memorial of the Legislature of the State of Idaho, asking for the speedy enactment of the Gooding bill; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the Legislature of the State of Idaho, asking that a duty of 3 cents per pound be placed on peas, instead of the present duty; to the Committee on Ways and Means.

By Mr. BECK: Memorial of the Legislature of the State of Wisconsin, protesting against the illegal taking of water from the Great Lakes through the Chicago Drainage Canal; to the Committee on Rivers and Harbors.

By Mr. CLAGUE: Memorial of the Legislature of the State of Minnesota, protesting to the Congress and the Secretary of War of the United States against the continuation of the illegal taking of water from the Great Lakes through the Chicago Drainage Canal; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of Minnesota, petitioning the Congress of the United States to allocate to the State of Minnesota a 500-bed tubercular hospital for the care of tubercular persons who served in the World War; to the Committee on World War Veterans Legislation.

Also, memorial of the Legislature of the State of Minnesota, petitioning Congress relative to an increase of duties upon dairy products and other agricultural products; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 12226) granting an increase of pension to Sarah Hiddeson; to the Committee on Invalid Pensions.

By Mr. PARKS of Arkansas: A bill (H. R. 12227) granting a pension to John Jackson; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 12228) granting an increase of pension to Barbara Smith; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 12229) granting an increase of pension to Mary A. Buttermore; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3695. By the SPEAKER (by request): Petition of H. C. Horton, president of New York State League of Savings and Loan Associations, favoring an amendment to the McFadden banking bill now pending in the Senate; to the Committee on Banking and Currency.

3696. Also (by request), petition of John H. Lisle, New York City, indorsing the passage of the game refuge bill; to the Committee on Agriculture.

3697. By Mr. FUNK: Petition of 607 citizens of McLean County, Ill., urging support of House bill 5934; to the Committee on Pensions.

3698. By Mr. GALLIVAN: Petition of the American Legion, national legislative committee, Washington, D. C., protesting against House bill 9629, known as the "reorganization bill"; to the Committee on the Civil Service.

3699. By Mr. HICKEY: Petition of Mrs. J. C. Peter, sr., rural route No. 8, box 1, South Bend, Ind., and others, protesting against the Jones Sunday observance bill; to the Committee on the District of Columbia.

3700. Also, petition of Mr. P. A. Cowville, 109½ North Hill Street, South Bend, Ind., and others protesting against the Jones Sunday observance bill; to the Committee on the District of Columbia.

3701. Also, petition from Mr. H. P. Waldo, 116 West Wayne Street, South Bend, Ind., signed by many citizens of South Bend, Ind., protesting against the Jones Sunday observance bill; to the Committee on the District of Columbia.

3702. Also, petition protesting against the Jones Sunday observance bill from Mr. A. B. Dilworth and signed by more than

100 other citizens of South Bend, Ind.; to the Committee on the District of Columbia.

3703. Also, petition signed by Mr. Victor Gilson, 127 Chapman Street, Elkhart, Ind., and others, protesting against the Jones Sunday observance bill; to the Committee on the District of Columbia.

3704. Also, petition signed by Mrs. Ida Hart, 108½ West Lexington Avenue, Elkhart, Ind., and others protesting against the Jones Sunday observance bill; to the Committee on the District of Columbia.

3705. By Mr. O'CONNELL of New York: Petition of the C. P. Putnam's Sons, of New York, opposing the proposal to increase third-class rates from 1 cent for 2 ounces to 1½ cents for 2 ounces in the Kelly-Moore bill (H. R. 11444); to the Committee on the Post Office and Post Roads.

3706. Also, petition of the C. Kenyon Co. (Inc.), of Brooklyn, N. Y., opposing the 50 per cent increase in third-class letter postage in the Kelly bill (H. R. 11444); to the Committee on the Post Office and Post Roads.

3707. Also, petition of the New York State Fish, Game, and Forest League, favoring the passage of H. R. 745, the migratory bird refuge act; to the Committee on Agriculture.

3708. By Mr. PEAVEY: Petition of Mr. A. W. Nelson and others, of Clear Lake, Wis., protesting against passage of the proposed compulsory Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

3709. By Mr. SWING: Petition of citizens of Anaheim, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3710. By Mr. WILLIAMS of Michigan: Petition of Orme S. Thompson and 180 other residents of Branch and Hillsdale Counties, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3711. Also, petition of G. D. Cummings and 12 other residents of Battle Creek, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3712. Also, petition of Mary J. Olmstead and 18 other residents of Battle Creek, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

SENATE

TUESDAY, *February 10, 1925*

(Legislative day of Tuesday, February 3, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House has passed the bill (S. 2803) to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3722) to authorize the county of Knox, State of Indiana, and the county of Lawrence, State of Illinois, to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind., with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 12002) to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker of the House had affixed his signature to the enrolled bill (S. 555) for the relief of Blattmann & Co., and it was thereupon signed by the President pro tempore.

LEASES GRANTED BY THE SECRETARY OF WAR

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in compliance with law, a list of leases granted during the calendar year 1924, which was referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Agriculture and Forestry:

A concurrent resolution

Whereas Congress has through special legislation, in the form of protective tariff, protected the product of labor and industry from the competition of foreign peoples, and had so saved the American market for the products of American labor and American industry, and made possible the American standard of prices, which is far in excess of the standard of world markets; and

Whereas Congress has through special legislation, known as restricted immigration, protected the American laborer from the disastrous competition of foreign peoples, and has so saved the American job for the American laborer and made possible the maintenance of the American standard of wages; and

Whereas the said special classes of legislation have afforded such ample and effective protection to the American laborer and the American manufacturer as to, quoting our President in his message to Congress, "enable them to live according to a better standard and receive a better rate of compensation than any people any time anywhere on earth have ever enjoyed";

Whereas the protection so afforded to American labor and American manufacturer, supporting for them an American standard of prices for their products, has forced upon the American farmer an American standard of prices for the things he must buy, the taxes he must pay, and the labor he must hire;

Whereas protective tariffs for agricultural products are almost wholly ineffective where the product is produced in excess of demand for home consumption;

Whereas American agriculture does produce an exportable surplus of all of the major products of agriculture, and the American farmer therefore finds himself almost wholly unprotected from that disastrous competition of foreign peoples;

Whereas the American farmer is therefore forced to sell his product on the low standard of world prices in open competition with the South American Indian, the peon of India, the peasant of Russia, whose overhead represents the lowest standards of living in the world, and is at the same time forced to buy his necessities from a protected market at an American standard of prices, bolstered up and sustained behind the protective tariff and restricted immigration walls;

Whereas this unbalanced condition is chiefly responsible for the distressed condition of agriculture, a condition which has now continued for over four years, and has brought actual bankruptcy upon thousands of farmers and upon business enterprises, wholly dependent upon the farmers' prosperity, having in countless instances swept away the accumulated savings of a lifetime;

Whereas the present better prices of some farm commodities represent only a temporary and local condition, and the fundamental cause of the distress has not been removed;

Whereas the direct cause of this unbalanced condition was and is the effect of the two protective measures above referred to, in that they have protected and made possible the maintenance of the high American standard of prices, of the products of American labor and of the American manufacturer, which constitute the necessities the farmer must buy, while he is afforded no effective protection from foreign competition, and therefore must accept the low world standard of prices for the things he has to sell;

Whereas this condition is unwarranted, unfair, and un-American, wherein two of the basic branches of American industry have and maintain through the direct effect of legislation an advantage over the third;

Whereas we believe the protective policy is sound in principle and if fairly administered destined to greatly increase the public welfare;

Whereas the farmer is forced, for the preservation of his home and his inalienable right to justice as an American citizen, to demand the abandonment of the policy or its adaptation to existing conditions: Be it

Resolved by the house of representatives (the senate concurring), That we respectfully urge that Congress during its present session pass and place upon our statute books such legislation as will effectively give to agriculture the same protection as is now afforded to industry and labor; and

Whereas the protective tariff does not protect agricultural products because of the exportable surplus, that Congress devise some effective method of segregating the exportable surplus or some means whereby the agricultural industry may itself segregate its surplus, to the end that the protection may be made effective on and that the American market be saved for the product of the American farmer and an American standard of agricultural commodity prices made possible.

That the secretary of state transmit this memorial to the President of the United States, to both Houses of Congress, and to the South Dakota Senators and Representatives therein, and to the legislatures